

University of Cape Town



Centre of Criminology

**HYBRID GOVERNANCE IN THE GLOBAL SOUTH:
A CASE STUDY OF COLLUSION WITHIN THE SOUTH AFRICAN
CONSTRUCTION INDUSTRY**

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ABSTRACT

What is the nature of hybrid governance in the Global South? In the African context, a state-centric conceptualisation of governance fails to capture the nuances and realities of governance where non-state actors often fulfil duties that are traditionally the responsibility of the Weberian state. It is against this background that this dissertation seeks to contribute to hybridity literature by exploring the relationships between the state and the construction industry through a case study of collusion in the South African construction industry to build the 2010 FIFA World Cup stadiums. The research goes beyond arguing for a plurality of governance actors and draws on the concept of hybridity to highlight the contestations that characterise the relationship between the different governance actors. The original contribution to hybridity literature made by this research lies in examining how the state and the construction industry enact authority in a setting of hybrid governance. To analyse the process of hybridisation I draw on the concepts of corruption, authority and governmentality as lenses through which to analyse the rationalities, strategies and practices used in the enactment of authority. The research findings reveal that the process of hybridisation as the state and construction industry articulate authority is characterised by contradictions, blurring and boundary-making. The findings suggest that the manifestations of these characteristics during hybridisation is context specific and should be empirically determined.

DECLARATION

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in this dissertation from the work(s) of other people, has been attributed and has been cited and referenced.

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May 2020

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ACRONYMS AND ABBREVIATIONS

ANC	African National Congress
BEE	Black economic empowerment
CIDB	Construction Industry Development Board
COSATU	Congress of South African Trade Unions
CODESA	Convention for a Democratic South Africa
CSR	Corporate Social Responsibility
CTSP	City of Cape Town Strategic Planning
FIFA	The Fédération Internationale de Football Association
GEAR	Growth, Employment and Redistribution
GEPF	The Government Employees Pension Fund
HDI	Historically Disadvantaged Individual
LOC	Local Organising Committee
NPA	National Prosecuting Authority
NSSA	National Stadium SA
NUM	National Union of Mineworkers
OECD	Organisation for Economic Co-operation and Development
PBF	Progressive Business Forum
PSL	Premier Soccer League
PEA	Political Economy Analysis
RDP	Reconstruction and Development Programme
SAP	Structural adjustment policies
SACP	South African Communist Party
SAFA	South Africa Football Association
UN	United Nations
UN	United Nations Office on Drugs and Crime

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CHAPTER 1: INTRODUCTION

1.1 Introduction

This dissertation examines hybrid governance in the Global South through a case study of collusion within the South African construction industry to build the 2010 FIFA¹ World Cup football stadiums. The tender process for construction firms to win contracts to build the FIFA World Cup stadiums was characterised by massive collusion, implicating politically connected individuals, blurring the distinction between the state and the construction industry in a way captured by hybridity. To understand how the collusion of this scale was possible, this dissertation examines the question of how the state and the construction industry enacted authority in this hybrid governance setting.

In this chapter I introduce the concept of hybridity, touching briefly on the insights it might provide into governance in the African context, before moving on to discuss the objectives and research contributions of this research. To conclude, the chapter provides an outline of the remainder of the chapters in the dissertation.

1.2 The state, governance and hybridity

Jessop (1990:341) defines the state as comprising of “a distinct ensemble of institutions and organisations whose socially accepted function is to define and enforce collectively binding decisions on the members of a society in the name of their common interest or general will”. Lund (2006:685), building on the work of Abrams (1988), makes a distinction between the state as a system and the state as an idea. The state system comprises of the distinct institutions described by Jessop (1990), while the idea of the state is symbolic, referring to the expectations of what a state should be. According to Brandt (2017:4) “the state is not a homogenous entity” but rather, as Jessop (2015) notes, a result of complex fluid interactions between state/non-state actors. Lund (2006:697) argues that state institutions are continuously in the process of

¹ Founded in 1904, FIFA is an international football governing organisation with 211 member states. It is most popular for its FIFA World Cup, which is a competition held every four years between the men’s national teams of the member states.

formation, as such, there is “not a straightforward institutionalization and homogenization of authority”. For Foucault (2007:277) the “state is a practice... a set of practices by which the state actually became a way of governing, a way of doing things, and a way too of relating to government”.

There are myriad definitions of governance. The political scientist and international relations scholar James Rosenau (2000:171) defines it as “systems of rule, as the purposive activities of any collectivity, that sustain mechanisms designed to ensure its safety, prosperity, coherence, stability, and continuance”, while Renate Mayntz (2004:66) suggests that it is “the entirety of all co-existing modes of collectively regulating social matters”. For the purpose of this dissertation, I will use the definition proposed by Burris et al. (2008:3) that governance is “organized efforts to manage the course of events in a social system”. Governance literature typically takes a state-centric perspective (see Shearing 2006; Backer 2016). This state-centric perspective on governance can be traced back to the enduring Hobbesian worldview supporting a strong central government as a prerequisite to governance. According to Burris et al. (2008:5), the debates about governance tend to centre around the role of the state in governance; the extent to which the state is viewed as either “too weak, and needing to be strengthened” or “the state remains too strong, too undemocratic, and therefore needs to be better constrained or stripped of some of its jurisdiction”. Shearing (2006:13) argues that a state-centric conceptualisation of governance fails to articulate adequately the reality of governance in contemporary society and limits “normative thinking”. To address this state-centric worldview, nodal governance scholars such as Johnston and Shearing (2003) and others have advocated an approach to governance that is empirically determined, not giving a conceptual priority to the state. The dissertation draws on the nodal governance understanding of the need for empirical investigations to determine how governance in a social system functions.

In the African context, governance has never been a state-centred exercise. Max Weber’s (1948:78) definition of the state as having “the monopoly of the legitimate use of physical force within a given territory” is not applicable in African states. This is because governance has been an exercise of plural actors encompassing both state and non-state actors. Non-state governance actors in Africa take on responsibilities traditionally attributed to the Weberian state and provide a wide range of social services using different mechanisms. As Börzel and Risse (2016) have noted, areas of limited statehood are not ungoverned spaces but governed spaces, albeit from a different governance perspective from that promoted by a state-centred

understanding of governance. Plurality of governance actors in Africa was evident during the colonial era, where the colonial state did not have the institutional capacity to support a central government. Therefore, it practiced indirect rule by governing through local traditional authorities (see Mamdani 1996; Hindess 2005; Hansen & Stepputat 2006). As scholars such as Azarya and Chazan (1987), Engelbert (2000) and Young (2004) have noted, these governance structures from the colonial period are still evident in post-colonial Africa. The dissertation goes beyond plurality of governance actors in the African context by using hybridity as a lens to understand how these actors interact in the governance arrangements.

The concept of hybridity has been used in a wide range of fields, such as anthropology, linguistics, political science, international relations and post-colonial studies to bring insights into the nature of governance. Colona and Jaffe (2016:176) tell us that “hybrid governance arrangements refer explicitly to those contexts in which state and non-state actors are highly intertwined or merged”. Goodfellow and Lindemann (2013) argue that hybridity has been erroneously used to describe institutional arrangements in which state and non-state institutions interact, arguing that, in the absence of synthesis of these institutions, these arrangements are “better described as ‘institutional multiplicity’ than as hybridity” (Goodfellow & Lindemann 2013:7). Colona and Jaffe (2016) note that, although Goodfellow and Lindemann (2013) make a valid argument, the challenge is that “through everyday practices of interaction, any governance arrangement is likely to eventually become hybridised, with actors, logics and interests merging” (Colona & Jaffe 2016:179). Thus, Colona and Jaffe (2016) argue for an analytical approach to hybrid governance that views it as a process instead of an end product, enabling exploration of the evolving and changing dynamics in a hybrid governance arrangement. As Hutnyk (2005:81) point out, “hybridity is better conceived of as a process”. Similarly, Luckham and Kirk (2013:8) suggest that “governance should be empirically investigated as a collection of loosely coordinated and constantly changing processes”.

1.3 Aims, scope of study and research questions

Ackermann (2012:17) has called for empirical research to reveal the “analytical usefulness” of the concept of hybridity. This dissertation seeks to answer this call through analysing the relationship between the construction industry and the South African state as both actors enact authority against the backdrop of corruption in the tendering process to build the 2010 FIFA

World Cup football stadiums. I use the concepts of authority and corruption as analytical tools to improve conceptual understanding of hybridity. The dissertation draws from Albrecht (2018a) who argues that examining the strategies and practices used by actors in hybrid structures to enact authority reveals how the contestations within process of hybridisation transpires (see Albrecht & Moe 2015) and Lund (2006:676), who asserts that “[i]n order to understand how political power is exercised, we therefore need to have an eye for the processual aspects of the formation of public authority”. Building from Lund’s (2006) observations, I examine how strategies and practices that both shape and undermine the enactment of authority as the state and construction industry interact with each other improves conceptual understanding of hybrid governance processes.

The research question I address in this dissertation is: *How is authority enacted in hybrid governance processes?* This question is addressed through the following sub-questions:

- *How did the strategies used by the South African state to enact authority during the construction of stadiums for the 2010 FIFA World Cup shape the process of hybridisation?*
- *How did state policies shape relations between the state and the construction industry during the process of hybridisation?*
- *What were the state and construction firms’ responses to boundary-making during hybridisation?*

1.4 Contribution to literature

The contribution to literature made by this dissertation is furthering understanding of the workings of hybrid governance structures by exploring the dynamic relationship between the construction industry and the South African government through examining the strategies, practices and rationales used to enact authority by both actors. This undertaking seeks to contribute to hybridity literature in broadly three ways. First, I examine what the contestations surrounding allocation of resources ahead of the 2010 FIFA World Cup reveal about the process of hybridisation. Scholars have suggested that resource distribution during the process of hybridisation is an outcome of negotiations between different actors with heterogeneous interests (see Baker 2011, 2013; and Albrecht 2017). The literature does not specify the conditions necessary for one actor to impose its interests in resource allocation thereby enabling one actor to undermine a negotiation process. Therefore, by examining how the contestations

between different actors determine resource allocation, I seek to bring greater understanding of the power dynamics within hybrid governance structures. Second, I discuss how implementation of state policy by the construction industry through corrupt practices shed insights into the contradictions within the process of hybridisation. Although, it is widely accepted in hybridity literature that the process of hybridisation is characterised by contradictions, the factors that exacerbate or undermine these contradictions are not adequately explored. Therefore, the dissertation provides further insights into how corruption impacts the contradictions between the different actors in hybrid governance structures. Lastly, I examine the construction industry's response to the state's use of legislation as a boundary-making measure to separate itself from corporate South Africa, to highlight the factors that trigger challenges to boundary-making during hybridisation. Kyed (2017) makes the argument that boundary-making is challenged during the process of hybridisation. The point of departure for the dissertation is that boundary-making is empirically determined whether challenged or not challenged during the process of hybridisation. Therefore, examining the responses of the construction industry to state legislation bring greater understanding to the factors that determine challenges to boundary-making during the process of hybridisation.

Furthermore, Shin (2009) and Greene (2003) point out that most of the research on mega-events has been from the experiences of Western countries, with a focus on the economic impact of the mega-events of the hosting city/state. This research, by exploring the infrastructural aspects of hosting the first FIFA World Cup in Africa, contributes an African perspective to the mega-events literature.

1.5 Outline of dissertation chapters

Chapter two reviews hybridity literature from different fields to give context to the theoretical contribution the dissertation seeks to make. This chapter explores the theoretical lenses through which the case study examined in this dissertation can be conceptualised. The chapter also discusses the concept of corruption and authority used as analytical frameworks to examine the relationship between the state and the construction industry in the case study. The chapter highlights literature relating to mega-events to discuss how these events are hybrid in character, with various actors working together to implement the event.

Chapter three outlines the methodology used for acquiring data for the dissertation. I utilised a qualitative social constructivism/interpretivism research approach for this dissertation because of the nature of the research question. Specifically, I conducted semi-structured interviews with different individuals who have the necessary expertise to enable me to answer the research question. To gain further insights into the case study, I thematically examined media coverage of collusive tendering in the construction industry during the 2010 FIFA World Cup to analyse the way in which corruption was portrayed by the print media.

Chapter four sets out the context to facilitate the discussion about the case study. The chapter gives a historical overview of the South African political economy and examines the relationship between the business sector and political elites in negotiating the transformation of the South African economy. The chapter also provides an overview of the South African construction industry.

The empirical chapters are Chapter five, Chapter six and Chapter seven. **Chapter five** addresses the sub-question: *How did the strategies used by the South African state to enact authority during the construction of stadiums for the 2010 FIFA World Cup shape the process of hybridisation?* This chapter examines the strategies used by the state to gain support to host the 2010 FIFA World Cup. It argues that the gaps between state policies and strategies and state practices to implement these policies provide insights into how the distribution of resources occurs during the process of hybridisation.

Chapter six addresses the sub-question: *How did state policies shape relations between the state and the construction industry during the process of hybridisation?* This chapter challenges the prevalent premise in hybridity literature that tensions and contradictions, arising within hybrid orders as the different actors seek to achieve different interests and objectives, are difficult to reconcile, by examining how the corruption objective can effectively overshadow contradictions in hybrid structures.

Chapter seven addresses the sub-question: *What are the state and construction firms' responses to boundary-making during hybridisation?* The chapter extends the argument made in Chapter 6 that corruption exercised by politically connected businesspersons blurred the distinction between the state and the construction industry, by arguing that, although blurring is evident in hybrid structures, so is boundary-making. The chapter explores how boundary-making transpired in the hybridisation process, shaping the relationship between the state and the construction industry.

Chapter eight concludes the dissertation and reverts back to the research question: *How is authority enacted in hybrid governance processes?*

CHAPTER 2: THE CONCEPT OF HYBRIDITY IN CONTEXT OF AUTHORITY, CORRUPTION & MEGA-EVENTS

2.1 Introduction

This chapter outlines key themes and debates on the concept of hybridity, drawing, in particular, on the fields of post-colonial studies and post-conflict and peacebuilding, which have brought important insights into the concept of hybridity. It also examines the concepts of authority and corruption that are used in this dissertation as analytical tools to further understand hybridity. A brief literature review on mega-events gives context to the empirical chapters.

2.2 Hybridity

The point of departure of this dissertation is that the concept of hybridity provides insights into the workings of plural forms of governance in contemporary society. Indeed, various disciplines have made use of the concept of hybridity in order to gain further knowledge into various scientific and social phenomena. The term “hybridity” can be traced back to the biological and botanical sciences to describe the mixing of different types of animals and plants respectively. It was in the nineteenth century that hybridity was used to describe the mixing of different races of people and this carried racist connotations, because mixing different races was considered impure. In the fields of sociology and anthropology, hybridity was used to explain the phenomenon of migration to urban areas. Leading sociologist, Robert Ezra Park (1928:892), in his article *Human Migration and the Marginal Man*, used the term “cultural hybrid” to describe a Jewish migrant as “a man living and sharing intimately in the cultural life and traditions of two distinct peoples”, with the two societies not merging. Ackermann (2012:7) describes this perception of cultural hybridity as having a “negative connotation”, as the migrant is essentially a stranger in the two societies. However, Ackermann (2012) pointed out that the Brazilian sociologist and historian Gilberto Freyre, writing about his homeland, Brazil, portrayed cultural hybridity in a positive light. For Freyre (1946), the melding of different cultures and races created a unique Brazilian society. In his

popular book *The Masters and the Slaves* (1946), Freyre put forward a positive conceptualisation of the relationship between race and culture in colonial Brazil by arguing that the mixing of both European, African, and American peoples and their cultures created a range of different racial varieties and mixed cultures that are difficult to differentiate. The conceptualisation of hybridity in the fields of sociology and anthropology highlights the challenges faced by different individuals and groups of people as they interact in the same social processes.

2.2.1 Postcolonial studies: hybridity and the myth of purity

Postcolonial literature adopted the concept of hybridity in order to frame the merging of linguistic, social, political and economic transcultural relations that has undermined a worldview perspective based on binaries and hierarchies. In other words, the concept of hybridity has been used to reject essentialist identities based on the purity of race and cultures; and supports the heterogeneous mixture of the pure and impure (see Rushdie 1991; Guignery 2011; Gilroy 2000; Werbner 2004). Edward Said (1978) and Homi Bhabha's (1983) work on hybridity has shaped postcolonial studies. Edward Said's ground-breaking book, *Orientalism* (1978), made the argument that the European coloniser's culture shaped and controlled how the "Orient" was perceived and portrayed in different socio-economic and political spheres. For Said, orientalism discourse centred on the European subject as the source of knowledge and the 'Orient' as an object of knowledge. Hall (2004:236) argues that the European subject's knowledge of the 'Orient' was based on unequal power relations hugely determined by the Europeans, who placed the 'Orient' at a disadvantage. Homi Bhabha (1983) highlights a flaw in Said's orientalism as failing to address the issue of resistance by the 'Orient'. Bhabha (1983:200) notes that Said's argument is flawed because the coloniser is portrayed as exercising unquestionable power over the 'Orient'. It fails to acknowledge that the process of orientalism was undermined because the colonial subject is assembled in "a repertoire of conflictual positions" and is thus a "site of both fixity and fantasy" (Bhabha 1983:204). Bhabha's observation is useful for examining how actors within hybrid structures challenge authority, as reflected in the chapters that follow. The next section outlines the hybridity debate in the post-conflict and peacebuilding literature.

2.2.2 Hybridity, Post-conflict and Peacebuilding

In the 2000s, hybrid governance literature gained prominence and became an influential critique to the dominant liberal state-centric approach to state building in post-conflict fragile/weak states. Eric Herring (2008:48) has defined liberalism as “a formal and informal commitment to principles and practices of individual rights and responsibility in the context of equality of opportunity, the rule of law, freedom of expression and association, a mainly market economy and governments chosen in multi-party free elections”. The main criticism levelled against liberalism is that it is based on western values that are assumed to be universally applicable, irrespective of the different historical, social and economic contexts of non-western states (MacGinty 2010:394; see Peterson 2012). Moreover, Wendy Brown (2006) has drawn attention to the contradictions of liberalism by pointing out that liberalism in practice is compatible with non-liberal values and assumptions.

Traditional literature on development and state building tends to take a critical approach to the role of non-state actors in fragile and failed states as these actors are viewed as the antithesis to building strong, bureaucratic institutions. One reason for this is the assumption pointed out by Heathershaw (2013:277) in the state building literature, that local and indigenous governance actors are non-liberal, while international governance actors are liberal. However, hybrid governance scholars have reframed the narrative of non-state actors to be viewed in a more constructive manner (see Boege et al. 2009; MacGinty 2011). As highlighted by MacGinty (2011) the concept of hybridity provides an alternative to the hegemonic liberal policy from international actors operating in post-conflict states. In post-conflict and peacebuilding literature, hybrid governance is used to explain and capture how state and non-state actors are both responsible for the provision of public services in fragile states. In other words, the concept of hybridity has been used to show how different forms of non-state governance structures operate alongside the state. Acknowledgement of the roles of both the state and non-state actors facilitates a more grounded and nuanced understanding of the interlinked nature of governance actors in the African context. The next section addresses the key gaps identified from different hybridity literature this dissertation seeks to fill.

2.3 The contested concept of hybridity

An important criticism is that hybridity reinforces and gives effect to the binaries that it aims to dispel. As Jenny Peterson (2012:13) points out:

[H]ybridity in the post-colonial sense reflects on the meetings of two defined subjects – the colonial power and the colonised subject. Thus, although hybridity attempts to move the analysis away from homogenous forms, these two subjects are, paradoxically, themselves homogenised, treated as pure definable entities.

Indeed, critics have questioned the utility of the concept of hybridity because it is based on the premise of duality - as two distinct parts coming together to form one structure - which ends up recreating the binary distinctions it seeks to undermine (see Peterson 2012; Heathershaw 2013; Stepputat 2013; Albrecht & Moe 2015; Hameiri & Jones 2017). Furthermore, as noted by Finn Stepputat (2013), although the conceptualisation of hybridity as the mixing of two pure forms has been rejected, in state-building literature the state is nonetheless often portrayed as the inevitable governance actor in the binary relationship with a non-state governance actor. In response to criticism, hybrid governance scholars such as MacGinty and Richmond (2016:223) have noted that, although it is possible to view the concept of hybridity through binaries such as local/international or west/non-west, it is also possible to use the concept as a tool to move beyond “the static thinking of binaries”. Colona and Jaffe (2016:182) argue for an analytical approach to viewing hybridity as a process, thus enabling an exploration of the evolving and changing dynamics in a hybrid governance arrangement. Such an approach would anticipate and “acknowledge the diversity of outcomes of these practices and the difficulty of predicting or maintaining positive effects” (Colona & Jaffe 2016:182). However, Albrecht and Moe (2015) point out that researching the nature of these hybridisation processes faces challenges with limitations of language, which makes use of binaries and categories to make sense of a social phenomenon.

Responding to criticisms about the use of binaries to conceptualise hybridity, Roger MacGinty (2011:8) advances the notion of “prior hybridity”, arguing that hybrid governance systems have “a long history of interaction, fusion, competition, resistance and coalescence” (MacGinty 2011:8), characterised by fluidity. Pieterse (2001:231) points out that, “[w]e can think of hybridity as layered in history, including pre-colonial, colonial and postcolonial layers, each with distinct sets of hybridity, as a function of boundaries that were prominent,

and accordingly different pathos of difference”. García Canclini (2005:xxv) has also advocated for prior hybridisation by stating that:

socio-cultural processes in which discrete structures or practices, previously existing in separate form, are combined to generate new structures, objects and practices. In turn, it bears noting that the so-called discrete structures were a result of prior hybridization and therefore cannot be considered pure points of origin.

Albrecht (2018b) has argued, in similar vein, that hybridisation should be conceptualised as a historical process that is empirically determined, constituted of different actors interacting and navigating the tensions of sameness and differences in enacting authority to access resources (see Albrecht 2017). The process of hybridisation is complex and characterised by contradictory elements, which are discussed further below.

2.3.1 Contradictions between nodes during the process of hybridization

The concept of hybridity has been criticised for being overly broad in a way that adversely affects its analytical usefulness. In other words, the concept of hybridity has faced criticism for lacking depth and analytical rigour, resulting in an analysis that views everything as stemming from hybridity (see Thomas 1996; Sahlins 1999; Burke 2009; Albrecht & Moe 2015). As Ackermann (2012:5) has noted, hybridity is an ambiguous term that can be used in a literal sense, as well as to describe and explain a social phenomenon. Therefore, the concept of hybridity faces the challenge of having limited analytical value through “overemphasising the potential for positive accommodation” (Albrecht 2018a:568; Albrecht & Moe 2015). Albrecht (2018a:568) states that in peace and conflict studies the concept of hybridity has been used in a way that fails to acknowledge the different power and authority dynamics between the different actors, resulting in “the potential to overemphasise positive accommodation”. This, in turn, leads to skimming over the differences in the hybrid structures resulting from the different contexts and historical backgrounds shaping the various constituents of the hybrid structures. Albrecht (2018a:575) makes the argument that the process of hybridisation is characterised by tension with “positive accommodation and separation”. However, this tension is often overlooked. These criticisms show the importance of taking a nuanced approach to the study of hybrid political orders. In order to address criticism, scholars have advocated focusing on the dynamics and the nature of the relationship between the different actors in the hybrid structure (see Baker 2013:299; Albrecht 2018a & 2018b).

In order to capture the contested processes of hybridisation, Albrecht and Moe (2015:2) have suggested focusing on processes of similarities and differences shaping the enactment of authority in hybrid structures. Albrecht's (2017:570) research on police reform in Sierra Leone reveals that the relationship between state representatives and traditional leaders, is on one hand, based on cooperation and, on the other hand, based on competition, as the parties contend for access to resources. For Albrecht (2017:569) "[b]oth the design and initial implementation" of the Access to Security and Justice Programme (ASJP)² "reflect how heterogenisation may occur in hybridisation, a relentless process that runs to the very core of how authority is manifested in the pursuit of resources". Albrecht (2018a) argues that examining the strategies and practices used by actors in hybrid structures to enact authority reveals how the contestations within processes of hybridisation transpires (see Albrecht & Moe 2015). These contestations become apparent in Chapters five, six and seven of this dissertation, which analyse what the strategies and practices used by state and non-state actors in the case study reveals about the relationship between the process of hybridisation and distribution of resources.

To illustrate that homogenisation and heterogenisation are foundational to the process of hybridisation, Albrecht and Moe (2015) draw on the work of Mae Henderson (2000). Henderson developed the notion of "simultaneity of discourse" from Barbara Smith's (1983) work in the field of black feminist criticism. Henderson (2000) used the notion of simultaneity of discourse to highlight and overcome limitations faced by black female writers because of race and gender and the way in which the interrelationship between these two concepts shapes discourse. In other words, the notion of simultaneity of discourse seeks to overcome homogeneous and heterogeneous assumptions based on race and gender facing the work of black female writers (Henderson 2000:2). Henderson (2000:3) asserts that the plural aspects of black women writers are a matrix of subjectivity informing the relationship of sameness and difference with "other(s)". A matrix of subjectivity refers to the black women writers being

² The Access to Security and Justice Programme (ASJP) ran between 2011-2016 was funded by the United Kingdom Department for International Development to increase security and justice services for marginalised groups in Sierra Leone. The ASJP worked in partnership with the government of Sierra Leone and emphasised local ownership of justice and security services.

positionally shaped by different social, cultural and historical perspectives (Henderson 2000:4). “Other(s)” is a term used “to account for both race and gender, and how they interrelate, in an attempt to move away from a reductive paradigm” (Albrecht & Moe 2015:8). Through their work, black women writers simultaneously enter into a discourse of difference and identity, for example, by identifying “with black men as blacks, with white women as women, and with black women as black women. At the same time, they enter into a competitive discourse with black men as women, with white women as blacks, and with white men as black women” (Henderson 2000:4). Albrecht and Moe (2015:8) argue that although Henderson’s work is within a feminist discipline, it nonetheless is applicable to post-colonial characterisations of the concept of hybridity. As such, the notion of simultaneity of discourse provides a useful framework to develop the concept of hybridity by exploring how the processes in which homogeneous and heterogeneous sources of authority are simultaneously enacted (Ibid). For Albrecht and Moe (2015:8), the post-colonial subject is “the basic unit of relationships” whose enactment of authority demonstrates the workings of the hybridisation process. Put differently, the hybridisation process is revealed by an analysis of the subject’s strategies and practices as it enacts and articulates authority (Albrecht 2018a:568). The post-colonial subject’s sources of authority are both internal and external, intertwining with each other in the creation of the hybrid order (Albrecht & Moe 2015:8). Building on this work, the case study examined in this dissertation will analyse the strategies different authorities used to enact authority during the process of hybridisation.

For Baker (2013:297-298) a key feature of hybridity is the integration of different and contradictory elements from different political systems. Baker (2013:298) argues that a useful point of departure is to conceptualise hybridity as being “driven by governments”. Baker (2013:300) argues that the state police predominately has economic capital that leads it to have asymmetrical power relationships with non-state policing actors. According to Baker (2013:299) the central role of the state in hybrid policing arrangement is revealed “both in its formal policies and in the informal arrangements of state actors”. However, Baker (2011:27) also notes that in the African context non-state actors such as chiefs have symbolic capital and enjoy “unchallenged local legitimate authority”. The state and non-state policing actors have different resources that determine how they interact with each other. Baker’s (2013:303) empirical research in Ethiopia reveals that the state has been the main driver implementing hybridity in policing. Baker (2013) makes the observation that although, traditionally, state

policing agencies have been opposed to sharing their responsibilities with non-state actors, they have had to work with non-state policing actors for reasons that include economic and political considerations. However, Baker (2013) acknowledges that a state-centric conceptualisation, giving pre-eminence to the state, fails to consider that hybridity is in fact centred around relationships between the various nodes in the hybrid structure whose “ties may be transactions (transfers of resources) or interactions (relationships between personnel) and are repeatedly negotiated and revised” (Baker 2013:300; Baker 2011). As such, Baker (2013:298) points out that a difficulty with defining hybridity is that it entails bringing together actors with contradictory components. Similarly, Albrecht’s (2017:570) research on police reform in Sierra Leone reveal that state actors and traditional leaders “may fully recognise one another and collaborate closely, while they also compete with and fight each other”. Albrecht (2017:570) makes the important point that the homogenisation and heterogenisation between different actors in the process of hybridisation “allows for a contradictory conclusion”. Drawing from the work of Albrecht (2018b) and (Baker 2011) this dissertation extends our understanding of how the contradictory elements in the different nodes interact in the processes of hybridisation.

2.3.2 Boundaries and blurring during the hybridisation process

Dupont’s (2004; 2006) work on security governance networks provides insights into hybrid governance; security provision is not state centric as both state and non-state nodes can be responsible for security provision. Dupont (2004:78) defines a security network as a “set of institutional, organisational, communal or individual agents or nodes that are interconnected in order to authorise and/or provide security to the benefit of internal or external stakeholders”. For Dupont (2006:167) nodes that make up security networks “consist of organizations and individuals that operate as discrete entities and are viewed as such by the overall membership of the security field”. Furthermore, Dupont (2006:167) notes that networks consist of a complex set of fluid interconnections linking “these nodes together on a voluntary, contractual, or regulatory basis”. Whelan and Dupont (2017:675) note further that the relationships between the different actors could be formal or informal. Dupont (2006:167) highlights a weakness in the security network literature because of the “failure to recognize the importance of determining node identities, thereby blurring the boundaries between nodes and their links”. Similarly, Whelan and Dupont (2017:675) assert that “[i]n defining networks and nodes, boundaries play an important role and must be explicitly delimited to avoid endless and

potentially meaningless webs of connections”. According to Baker (2011:28), the different policing actors may exchange resources amongst themselves in a way that blurs the boundaries between them. These scholars highlights the important role of boundaries in plural and hybrid forms of governance. Pieterse (2001:220) makes the observation that hybridity is relevant to the extent “that it problematizes boundaries”. Albrecht (2017; 2018b) argues that the hybridisation process destroys the boundaries between the different sources of authority, as the different entities and actors simultaneously draw on the different sources of authority. This undermines the notion of pure sources of authority. However, Albrecht (2018b:220) points out that these sources of authority have distinguishable origins making it possible to analyse the historical processes in the enactment and articulations of authority (Albrecht 2018b:219).

Baker (2011) notes that the complex interactions between the different policing nodes with contradictory components results in fluctuating hybrid structures. This suggests that the boundary between the different nodes in the hybrid structure becomes blurred, although the literature largely fails to specify how this blurring manifests. Lund’s (2006:673) research has shown that actors competing for authority place a huge emphasis on making distinctions between state and society, while their practices undermine these distinctions. Mitchell (1991:78) suggests that an understanding of boundaries can be gained through examining the political processes distinguishing the state and society.

Using the lens of corruption to examine the relationship between how blurring and boundaries between state/non-state actors in hybrid structures plays out, this dissertation builds on the work of Kyed (2017), who examines the relationship between boundaries and hybridity. Kyed (2017:471) has noted that, “[b]oundaries are not natural, but actively produced, confirmed, disconfirmed, negotiated and redefined in everyday interactions”. Pieterse (2001:239) points out that “the meanings of boundaries are by no means constant”. For Kyed (2017:465) boundary making occurs in “acts and representations that convey distinctions, the purity of domains and hierarchies between orders, norms or groups”. As Pieterse (2001:228) notes, “the claim to purity has served as part of a claim to power”. Kyed (2017:466) points out that “[b]oundaries do not vanish as hybridisation occurs, nor vice versa”. For Kyed the relationship between boundary making and hybridisation is constituted in a productive tension, resulting in new forms of hybridity (Kyed 2017:472). In other words, the process of hybridisation, as different actors enact authority, simultaneously encompasses the boundary making and

boundary crossing, underlying the politics inherent in the process of hybridisation. Paying attention to power and inequality is a central feature of critical hybridity (Pieterse 2001:239). As articulated by Forsyth et al. (2017:411) a critical approach to hybridity:

requires specific attention to the underlying power dynamics that animate hybridisation and shape its outcomes, whether arising from political, economic, or other forms of asymmetry and contestation. It also calls for scholars and practitioners to drill below amorphous categories such as ‘communities’ and interrogate power dynamics at a range of different scales, paying particular attention to generational, ethnic, class, religious, and gendered divides.

This critical approach to hybridity is based on the premise that hybridisation is a political process, characterised by contested asymmetry power relations. Since power relations have implications for the allocation of authority and access to resources (Albrecht & Moe 2015:12-13), critical hybridity is useful in exploring how authority relations between the state and the top construction firms in South Africa determined access to resources during the run-up to the 2010 FIFA World Cup.

2.3.3 Formation of a hybrid governance structure

The concept of hybridity has been useful to understand the nature of relationships in studies of security governance. For Luckham and Kirk (2012:12) hybrid security arrangements reveal complex interactions between different actors. However, Baker (2013:297) goes further by arguing that hybridity is a useful analytical tool to reveal not only the interactions but also integration of the different state and non-state policing providers in the Global South. Scholars from the fields of post-conflict and peacebuilding differ on the issue of whether hybridisation results in a new governance structure. For Colona and Jaffe (2016:176), “hybrid governance arrangements refer explicitly to those contexts in which state and non-state actors are highly intertwined or merged, often to the extent that we can speak of a new or emergent political formation that is neither state nor non-state”. In contrast, Albrecht (2018a:574) argues that sources of authority constituting hybridisation are interconnected, but “do not merge into an even or stable (permanent) hybrid order”.

To advance knowledge on security networks, Whelan and Dupont (2017:683) suggest that research should focus on the structural and relational properties between the different nodes in a network to examine how the dynamics between these properties shape “the evolution of a

security network over time”. Put differently, Dupont’s research on security networks, focusing on the relationship of the different nodes within the network, brings insights into the nature of governance structures emerging out of these relationships (see Dupont 2006; Whelan 2012; Whelan and Dupont 2017). As noted by Castells (2000), networks are shaped by the heterogeneous nature of the different nodes, which has an impact on the power dynamics.

From the field of postcolonial studies, Bhabha (1994) puts forward the notion of cultural hybridity, which rejects hierarchies and fixity in conceptualising the postcolonial subject. In his collection of essays, *The Location of Culture*, Bhabha (1994:4) argues that spaces “in-between the designations of identity” can be conceptualised from a perspective of cultural hybridity that acknowledges differences without being hierarchal. The result, as articulated by Bhabha in an interview with Jonathan Rutherford (1990:211), is that the “process of cultural hybridity gives rise to something different, something new and unrecognisable, a new area of negotiation of meaning and representation”. To unpack the complexity of hybridity further, Bhabha draws from the work of the Russian philosopher and linguist, Mikhail Bakhtin (1981), who saw hybridity as a useful tool in studying language, capturing the complexity and diversity of voices within a text. Bakhtin’s (1981) work on organic and intentional hybridisation brings nuance and important insights into the concept of cultural hybridity, which is often portrayed and conceptualised as a simple, straightforward concept. Organic hybridity also referred to as unconscious hybridity, results from the natural process of evolution, where cultures develop through unreflective adopting of practices from different cultures. Intentional hybridity is a product of clashing between different worldviews. Building on the work of Bakhtin, Robert Young (1995) notes that the two different forms of hybridity offer a useful model to the analysis of cultural interactions. For Young (1995:21) unconscious hybridity is the process where different cultures come together to create a new form of culture.

However, unconscious hybridity has been criticised for lacking rigour. For example, Loretta Mijares’s (2003:128) work on the contested term “Anglo-Indians”, used to describe individuals who are a mixture of British and Indian descent, undermines unconscious hybridity by highlighting that the Anglo-Indian is not a result of two different cultures merging, but is a product of a set of complex, evolving, political and cultural circumstances. However, unlike unconscious hybridity, intentional hybridity enables for greater analytical rigour because, as argued by Young (1995:22), it acknowledges “contestatory activity, a politicized setting of

cultural differences against each other dialogically”. Examining collusion and corruption during the 2010 World Cup highlights the contestations and complexities that shape relationships between the different actors in a way captured by intentional hybridity. Building from an intentional hybridity worldview to answer the research question, the empirical chapters analyse how competing interests between authorities shape hybrid structures. The dissertation uses the concepts of authority and corruption to improve conceptual understanding of hybridity. The following sections discuss these concepts in detail.

2.4 UNDERSTANDING POWER AND AUTHORITY

Michel Foucault (1978) famously tells us that power is everywhere and exercised by everyone. For Foucault (1998:93) “[p]ower is everywhere; not because it embraces everything, but because it comes from everywhere”. This view departed from the traditional viewpoint that power is concentrated in powerful institutions, groups, and individuals, who use it to dominate the less powerful. Building on Foucault’s work, Tim Berard (2001) has argued that if power is everywhere, then resistance to power is also everywhere. Put differently, the exercise of power by different actors in society is contested and continuously undergoing negotiation. Similarly, Bălan Sergiu (2010:61) has described power as a “volatile, unstable element, which can be always contested, so power relations must be permanently renewed and reaffirmed”. Although power “is a ubiquitous feature of social life” (Hindess 2006:116), the concept of power has been described as “essentially contested” (Haugaard 2010:419; see Lukes 2005; Connolly 1983). In most scholarship, power has been conceptualised as the ability of an individual, group, or institution to enforce its will against others (see Weber 1946; Bahcrach and Baratz 1962; and Steven Lukes 1974; 2005). This characteristic of power distinguishes it from authority, which Weber (1968) has described as legitimate power (see Haugaard 2012; 2018), albeit that power and authority often tend to be used interchangeably. The distinction between authority and power is that authority is conceptualised as the legitimate exercise of power, which is accepted by people who are subject to it, and who are obligated to comply with the directives given under that authority. In the sections that follow, I discuss the characteristics of authority, Weber’s three types of legitimate authority and the five sources of authority identified by Avant et al. (2010).

2.4.1 What is authority: the characteristics?

Authority relations are marked by recognition and voluntary deference. Avant et al. (2010:10) state that, “[a]uthority is created by the recognition, even if only tacit or informal, of others”. Weber (1978:212) noted that authority commands comprise of a “certain minimum of voluntary submission; thus an interest (based on ulterior motives or genuine acceptance) in obedience”. Similarly, Lund (2006:678) asserts that authority is “power which seeks at least a minimum of voluntary compliance and thus is legitimated in some way”. For Katsikas (2010:116) an element of authority is the “surrender of private judgment”, albeit he acknowledges that the scholarship does not provide clarity “on exactly how much judgment people are supposed to surrender”. It is important to note for the purposes of the dissertation that while authority relations are hierarchical, in the sense that there is an actor with authority over a subject, these relationships are contested and dynamic. Therefore, an aspect of understanding authority relations lies in examining the role of legitimacy in authority relations. Lund suggests that it is useful “to investigate the processes through which various actors and institutions attempt to legitimate actions and vindications”. This is because the concept of legitimacy is context specific and, as Lund (2006:693) argues, “is continuously (re-) established through conflict and negotiation”. Chapter seven of this dissertation explores how the state seeks to achieve legitimacy in the face of grand corruption.

Haugaard (2012:78–79) takes the position that authority is not only found in institutions, but is dispersed between different social relations in a society where individuals enjoy a myriad different authority roles. Knörr and Anita Schroven (2019:63) argue that the authority of an entity or an individual “is embedded in a tight network of social and institutional interaction, by which it is socially and politically contextualised, enforced, or weakened”. Lake (2009:28–31) takes a social contract approach to authority, in which authority relations are determined by the public goods that the ruler is able to provide to the ruled to secure their deference. In other words, the relationship is cemented by incentives for the subordinates to defer to the ruler. Sending (2017:312) makes the point that a conceptualisation of authority that views it as a feature of an actor, instead of viewing authority as relational, makes it difficult to capture “why some actors rather than others emerged in a position of authority or how such authority may be transformed over time”. To understand how authority unfolds and transforms over time “we need analytical concepts that focus on the relations between actors rather than working with

pre-defined categories of particular actors” (Sending 2017:313). Drawing on this work, I treat authority as relational, and argue that there are important conceptual insights to be gained from examining how the practices and strategies used by the various actors, involved in the building of stadiums for the 2010 FIFA World Cup, to enact different types of authority - derived from different sources - shaped relations. The next sections will discuss the Weberian types of legitimate authority and the Avant et al. (2010:11) typology of different sources of authority.

2.4.1 Max Weber’s types of authority

Max Weber identified three pure types of legitimate authority: rational-legal authority, traditional, and charismatic authority. Constitutes of rational-legal authority include clearly articulated and rational public laws and administrative acts that are created and administered by competent public officials and bureaucratic staff. Rational-legal authority is centred on “the legally established impersonal order” (Weber 1978:215). Individuals with rational-legal authority are bound to the impersonal order. The modern state has been shaped by the impersonal formal administrative system of governance.

Traditional authority is based on deference to customs centred on personal relations of loyalty between the individual in authority and the ruled. For Weber, obedience to traditional authority “is owed not to enacted rules but to the person who occupies a position of authority by tradition” (Weber 1978:227). In turn, the traditional authority is constrained by traditional and cultural norms as opposed to formal rules (Weber 1978:227). As such, there is no distinction between the private and public realms found with rational-legal authority.

Weber defined charismatic authority as “resting on devotion to the specific and exceptional sanctity, heroism or exemplary character of an individual person, and of normative patterns revealed or ordained by him” (Weber 1978: 215). Therefore, the charismatic authority:

gains and maintains authority solely by proving his strength in life. If he wants to be a prophet, he must perform miracles; if he wants to be a warlord, he must perform heroic deeds. Above all, however, his divine mission must ‘prove’ itself in that those who faithfully surrender to him must fare well. If they do not fare well, he is obviously not the master sent by the gods. (Weber 1948:249)

For Weber, as time progresses, charismatic authority inevitably “becomes either traditionalized or rationalized, or a combination of both” (Weber 1968:54). An example of this, as highlighted by Susan Eckstein (1994), is Cuba under Fidel Castro, which is “in many respects a textbook

case of a Weberian ideal-typical charismatic leader” (Eckstein 1994:20) that “turned to traditional and especially to rational-legal bureaucratic forms of legitimation and authority as well” (Eckstein 1994:20). Weber conceded that these different types of authorities are not “usually to be found in historical cases in ‘pure’ form” (Weber 1968:216). In other words, empirical observations reveal that the pure types of legitimate authority are blurred. The dissertation draws on Weber’s typology of authority to examine how the different actors in the case study used different types of authority to shape relations during the process of hybridisation.

2.4.2 Sources of Authority

Avant et al. (2010:11) identify five sources of authority for global governors: institutional, delegated, expert, principled, and capacity-based authority. Institutional authority is authority derived from rules and objectives of an institution. As Avant et al. (2010:11) note, heads of international corporations acquire authority through their positions within these institutions. For example, the legitimacy and competency of the managing director of an institution, such as the International Monetary Fund (IMF), would be questioned if they ventured into the area of nuclear proliferation policy. Similarly, the legitimacy of the IMF would be questioned if viewed to be giving into pressure from powerful states to make decisions outside of its rules and mandate (Ibid).

Delegated authority is “authority on loan from some other set of authoritative actors” (Avant et al. 2010:11). According to Avant et al. (2010:11-12) outcomes from the delegated arrangements can differ “between preferences (or intensions) of the delegators and governance outcomes on the ground”, which have implications for issues of legitimacy and accountability. This is particularly the case when there is a conflict of interest between delegators and implementers on the ground.

Expert authority, according to Avant et al. (2010:12), is authority existing in the actor’s specialised knowledge, meaning that the authority is limited to a specific type of expertise. However, this type of authority is often paired with other sources of authority. Avant et al. (2012:12-13) make the point that experts tend to believe that applying their expertise “is a social good and furthers goals of the larger community”. Indeed, the traditional understanding of a professional, such as a doctor, is premised on the notion that they are concerned with

providing a service for the public good. Steven Brint (1994:5) uses the term “social trustee professionalism” to explain how professionals can further the public good. In other words, as Noordegraaf and Schinkel (2011:118) suggest, “the professional is an intrinsically motivated altruistic citizen”. However, the notion of public good is highly subjective and some stakeholders affected by the practical outcomes of the expert’s knowledge might not agree that it furthered the goals of the larger community.

Principled authority is subjective and can exist in both the actors and institutions “legitimated by service to some widely accepted set of principles, morals, or values”; therefore profit-driven corporations generally have difficulty obtaining principled authority, unlike NGOs, which tend to portray themselves as seeking to attain altruistic objectives (Avant et al. 2010:13).

Avant et al. (2010:13) see capacity-based authority as deference to a governor “based on perceived competence” to perform a task or solve a problem. However, Avant et al. (2010:14) noted that governors who are successful problem solvers also derive authority from different sources of authority. In this dissertation, I draw on the different sources of authority identified by Avant et al. (2010) to examine the relationships between actors. These authority relationships occur against the backdrop of hybrid governance. The dissertation will also utilise the concept of corruption to better understand the nature of hybridity. The next section will discuss the concept of corruption and its different manifestations.

2.5. The many definitions of corruption

Although corruption is a widely-used term, there is no conceptual clarity on its exact meaning. Corruption is a “value-laden” and normative concept and has been criticised as “a meaningless term insofar as it describes any transaction or exchange that is viewed as normatively ‘bad’ by the observer” (Robbins 2000:425). However, a concept can be both value laden and still be “analytically viable” (Robbins 2000:425). Corruption is not a static concept, but a dynamic, multifaceted and adaptive social phenomenon (Andvig & Fjeldstad 2001; Habtemichael & Cloete 2010). In this dissertation I am particularly interested in how the adaptiveness and multifaceted nature of corruption shapes the enactment of authority within hybrid processes.

Scholarship on corruption has tended to treat it as a public-sector phenomenon, with the World Bank's (1997) definition of corruption as "*abuse of public office for private gain*" being widely used. Another influential definition, by Nye (1967:417), defines corruption as "behaviour which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence". The traditional narrative on corruption in Africa, as the acts of selfish and greedy public officials who are interested in private gain at the expense of public interest, fails to capture the role of other actors. Indeed, various actors in both the public and private sectors exercise corruption to pursue and achieve different objectives. My point of departure in this research is that a normative judgement should be context specific, which requires empirical investigation (see Heidenheimer 1989; Olivier de Sardan 1999). Corruption can be categorised into three types: incidental corruption, which transpires at the individual level; institutional corruption, which occurs at an organisational level; and systemic corruption, which is broad and entrenched at a societal level. In this dissertation I examine a form of institutional corruption linked to the economy of the state: political corruption. Political corruption is sometimes labelled grand corruption because it involves manipulation of state institutions by high-level officials for personal benefit, characterised by the blurring between the public and private sectors (see Amundsen 1999; Andvig & Fjeldstad 2001). Amundsen (1999:4) makes an important observation that variations of political corruption are found in all political systems. Indeed, the empirical realities of democratic countries in Africa such as Nigeria and South Africa reveal the endemic nature of political corruption. Dumbili and Sofadekan (2016:1) point out that corruption in Nigeria is "not only a part of the government, but it is the object of government". Adebani and Obadare (2011:198) argue that systems of corruption in Nigeria produce and sustain the power dynamics among the ruling elite. In other words, corruption in Nigeria "is best seen as an example of elite struggles for power and resources" (Adebani & Obadare 2011:191).

Within institutional forms of corruption, Andvig and Fjeldstad (2001:11) distinguish political corruption from bureaucratic corruption, which is described as low level "at the implementation end of politics". This low-level corruption is experienced by citizens seeking access to public services and typically involves paying a small sum to receive the services. Although, on one hand, the distinction between political corruption and bureaucratic

corruption is analytically useful, it is, on the other hand, an arbitrary distinction (Andvig & Fjeldstad 2001). The distinction is based on “the Weberian separation of politics from administration”, which is not applicable in most African states (Andvig & Fjeldstad 2001:11). For this reason, Adebani and Obadare (2011:207) argue that a political economy approach to the study of corruption will show that it is not

a mere – or blatant – violation of the rules, but, more important, as a ‘component (of) how power is manipulated in order to maintain social (political) and economic advantage’; thus, corruption, particularly in Africa, must be linked to our conceptualisation and understanding of the state, inequality, injustice and social division – a system-wide understanding.

Giving a different perspective to the corruption debate, Gupta (1995:389) argues that because the conceptualisation of corruption shifts according to historical, political and social contexts, the discourse of corruption reveals the nature of the relationship between the state and its citizens across different time periods. As Gupta (1995:388) noted, practices “considered as legitimate under colonial rule may be classified as “corrupt” by the rule-making apparatuses of the independent nation-state because an electoral democracy is deemed accountable to “the people.” Although the South African authorities addressed the collusive tendering in the construction industry to build the 2010 FIFA World Cup stadiums as a violation of competition law, the point of departure of this dissertation is that it is a form of corruption. Chapter seven discusses the debate emerging from media coverage of the collusive tendering in the construction industry ahead of the 2010 FIFA World Cup, which coverage suggested that public sentiment viewed it as corruption. Chapter seven examines how the state responded to this public debate and what the response revealed about enactment of authority in hybrid structures.

2.5.1 Practices of corruption: corruption as social exchange vs corruption as a collective action problem

In an influential paper on the nature of corruption in Africa, Olivier de Sardan (1999:26) highlights social norms in contemporary Africa that inform what he refers to “as ‘corruption’ type practices, but are not in themselves corruption”. Olivier de Sardan outlines six logics that are found in contemporary Africa’s social life that illuminate the corruption phenomenon: the logics of negotiation, the logics of gift-giving, the logics of solidarity network, the logics of predatory authority and the logics of redistributive accumulation.

The logics of negotiation refers to the idea that corruption is widely understood as a transaction, and that bargaining enables the transaction (Olivier de Sardan 1999:36). Bargaining is a vital part of social exchange in everyday transactions (Ibid). The logics of gift-giving, like the logics of negotiation, is part of everyday social transactions in contemporary Africa. Olivier de Sardan (1999:38) notes that, particularly in Sahelian countries, giving gifts is a moral duty; the beneficiary of a service is obligated to give a gift as a token of appreciation for the service rendered. For historical and socio-political reasons, the logics of solidarity networks are pronounced in Africa in comparison to Europe (Olivier de Sardan 1999:41). An individual's networks tend to be extensive and, particularly in urban areas, members of a network are expected and have an obligation to help each other (Ibid). The logics of predatory authority refers to individuals in positions of power engaging in "various types of extortion, to the detriment of their 'subjects'", such as when a policeman performing public duties demands bribes from private citizens as his due (Olivier de Sardan 1999:41-42). The logics of redistributive accumulation refers to expectations that an individual who is in a position to accumulate wealth redistributes their good fortunes to extended family (Olivier de Sardan 1999:43). Olivier de Sardan (1999:43) notes that it is important to acknowledge that some of these practices are derived from pre-colonial culture that has evolved and been shaped by colonialism. I use Olivier de Sardan's six logics to explain how corruption shapes relationships in my case study and impacts hybrid governance structures.

Persson et al's (2010:11-12) empirical research findings from East Africa dispute the social exchange understanding of corruption and reveals that, although most Africans morally disapprove of corruption they nonetheless continue to maintain the system of corruption. In order to understand why this is so, Persson et al (2010:12) put forward the collective action problem model as a useful conceptual framework to understand the reasons for the discrepancy between moral disapproval and action. The collective action problem model asserts that individuals partake of corrupt activities of which they disapprove because corruption is widely practiced in their society "making the short-term benefits of engaging in corrupt behavior greater than the costs" (Persson et al 2010:12). To test this collective action model, Persson et al (2010) conducted empirical research in Uganda and Kenya. The findings from the empirical research confirmed the basic tenets of the collective action model. Persson et al (2010:12) found that individuals engaged in corruption *because* it was widely practiced and there were negative repercussions of not engaging in corruption.

2.5.2 White-collar crime as a form of corruption

In the corruption literature, emphasis is often placed on the public sector. While the public sector is particularly vulnerable to corruption, the argument in this dissertation is that private sector corruption should be taken as seriously. Private sector corruption is normally conceptualised as white-collar crime. Sutherland has been credited as having introduced the concept of white-collar crime to challenge mainstream scholarship that focused on street crimes committed by disadvantaged members of society. Sutherland (1949:9) defined white-collar crime as “a crime committed by a person of respectability and high social status in the course of his occupation”. Although Sutherland successfully raised awareness of criminal activity conducted by the elite group of society, the notion of white-collar crime has been controversial. Pontell and Calamite (1993:520) point out that the concept of white-collar crime suggests that “criminal behaviour on the part of white-collar offenders is qualitatively distinct from other types of crime, or at least distinct enough to merit a qualifying label”. The next section examines the issue of regulating white collar crime. This provides context to the role of law in shaping the relationship between the state and the construction industry, explored in Chapter seven.

2.5.3 Regulating white collar crime

Two schools of thought dominate the debate on the regulation of white-collar crime: the punishment model and the compliance school. The punishment model takes a punitive stance on law enforcement (Lee 2015), while the compliance school seeks to avoid prosecution in favour of a more cooperative relationship between law enforcement and co-operations (Ibid). In general terms, the underlying ideological differences between the two schools of thought is based on the nature of the offender, with the compliance school assuming that corporate offenders are productive members of society and different from traditional offenders.

Gray points out that terminology perpetuates the different ideologies; for example, scholars from the punishment model regard corporate offending as “*corporate crime*”, while the compliance school scholars use the term “*corporate non-compliance*” (Gray 2006:877). Croall (2001:121) argues that “compliance strategies are therefore related to cultural values about the significance of different forms of crime”. A critique of regulatory oversight is that regulatory

agencies are biased as a result of their being captured, because “people in regulatory industries come from industry and commerce, and they regulate with a light touch in anticipation of lucrative jobs with the private sector after public service” (Leighton 2013:42). Similarly, Pearce and Tombs (1991) argue that compliance enforcement strategies that “stress consultation and conciliation typically end up with agencies endorsing the industry’s own evaluations of what is reasonable and usually allow companies to negotiate their way out of penalties for violating even these agreements” (Pearce & Tombs 1991:419).

There is a tendency to view business activity as “*a good end in itself*” (Tombs 2001:23) and when business organisations employ criminal activity to achieve their objectives, this is often explained as a diversion from its core legitimate activities (Ibid:24). The implication of this belief is that regulatory measures are viewed as appropriate to curb the excesses of capitalism: “[b]ad capitalists rather than capitalism are identified as the evil” (Lebowitz 2010:46). However, the idea that the markets are self-regulating is undermined by research that shows that some industries, such as the construction industry, are more prone to criminal activity. The numerous examples of the corruption and criminality, exhibited particularly by international financial institutions that result in massive losses affecting the world economy, further undermine the self-regulating ability of the markets.

Fischel and Sykes (1996:322) argue that corporate liability is preferable to criminalising individuals because it not only reduces the costs incurred by the state as it goes through the criminal justice system, but fining the corporations benefits the state coffers. Notwithstanding the difficulties of using the criminal justice system, I agree with Snider’s (2000:170) important critique of the arguments against the criminalisation of white-collar crime. Snider highlights the different standards applied to traditional criminal offenders and white-collar offenders; the former offenders have seen an increase in criminal statutes in order to impede criminal behaviour; while for the latter offenders, criminal law has been described as being “expensive, inefficient, and ineffective” (Snider 2000:170). This would suggest that “[i]ncreased punitiveness only ‘works’, it appears, for the impoverished, non-white, individual criminals who fill and overfill the prisons of modern democratic states” (Snider 2000:170). However, although Snider (2000) makes a compelling argument for criminalising white-collar offenders, I think that Alvesalo and Tombs (2002:31) highlight an important point relating to addressing economic crime through the criminal justice system. For Alvesalo and Tombs

(2002:31) using the criminal justice system to address white-collar crime is counterproductive and causes positive harm to the critical criminologists' position. This is because criminalising white-collar crime would inadvertently support the existing biased criminal justice system and reinforce the skewed social structure by providing:

an appearance that even the wealthiest and most powerful actors can be subject to state control, giving substance to claims regarding an equality of criminal policy and thereby both legitimating criminalization of "traditional" offenders while also supporting claims regarding the neutrality of the rule of law and the liberal state. (Alvesalo & Tombs 2002:31)

Furthermore, as noted by Alvesalo and Tombs (2002) small business owners and low-level white-collar crime offenders will be disproportionately affected by the implementation of the legislation (see Alvesalo et al. 2006). The next section discusses the leniency programme used by the South African authorities to address the collusion in the construction industry, which is an example of the compliance model of regulating white-collar crime.

2.5.4 Deterring anti-competitive conduct: the role of leniency programmes

Collusive tendering, as a type of white-collar crime, is pervasive in the construction industry. Corruption Watch (2013) has labelled collusive tendering in the South African construction industry as corruption, which is also the position taken in this dissertation. Allen defines collusion as "a secret understanding, especially for a fraudulent purpose" (Allen 1990:222). Collusion undermines the principles of the free market by restricting competition, and benefits parties privy to the collusion arrangement, to the detriment of the excluded parties. During a parliamentary session of the Public Works and Infrastructure Committee (2013), the Construction Industry Development Board (CIDB) acknowledged that the construction industry in South Africa has a long history of anti-competitive behaviour (Parliamentary Monitoring Group 2013). It is difficult to get accurate data on collusion, owing to the secretive nature of the practice; therefore, information about collusive behaviour is often acquired through whistleblowing (Buccirossi and Spagnolo 2005; Aubert et al. 2006). Typically, the whistleblowing party would have been part of the collusion and is exempted from penalties (Ibid). Competition authorities typically have various leniency programmes to encourage whistleblowing. For example, the United States has been the leading country on anti-competition law and its Department of Justice set up the first corporate leniency program in 1978, which grants full amnesty from criminal convictions and fines to the first corporation to

make full disclosure about its involvement in collusive arrangements if specific conditions are met. These conditions include: the Antitrust Division was not already investigating the illegal activity; the corporation provides full details of its involvement and was not the instigator of the illegal activity; where possible the corporation compensated injured parties; when the illegal activity was discovered, the corporation took action to terminate its involvement in the activities (The United States Department of Justice 2020).

Collusion often operates through a cartel, which is defined as “a group of independent firms which collectively agree to coordinate their supply, pricing or other policies in order to make larger profits than they would in a market where “natural competition” prevails” (Allain et al. 2011:2). Cartel formations are difficult to identify because of the secretive nature of cartels. To create and sustain a cartel that engages in collusive conduct, a wide range of interlinked variables have to be in place. Woodall (1993:297) noted the different elements needed in the operation of cartels. First, the participants of the cartel must be identified; second, barriers to entry to prevent new competition entering the market must be detected; third, mechanisms to monitor and enforce the cartel are needed; and last, strategies to evade detection by the authorities are important for cartel survival. Competition authorities tasked with deterring cartels seek to remove the incentives of the firms to want to enter cartel agreements. The use of penalties is an important incentive tool; a firm weighs the profits of entering into a cartel agreement “against the likelihood of getting caught and the penalty they expect to receive if they are caught” (Vilakazi 2015:2). A combination of high penalties and high risk of detection is the ideal scenario to deter cartel formation. However, in developing countries with constraints around resources, the detection rate is relatively low (Ibid). Therefore, initiatives such as leniency programmes have been used to incentivise firms to break away from a cartel and report it to the authorities. Research on the effect of the European Union leniency programmes shows that in the short term, “more information is revealed and legal costs related to investigation and prosecution are saved” (Brenner 2009:644). Leniency programmes typically eliminate penalties for the first firm to expose a cartel and have various other reductions of penalties for cooperating firms. In other words, leniency programmes make enforcement against anti-competitive practices more effective.

However, leniency programmes have been criticised for enabling the big corporates to get away with illegal behaviour, giving the impression that there are two systems of justice: one for the

poor and another for the rich, who do not have to face the criminal justice system. On one hand, it is arguable that a firm will apply to take part in a leniency programme because the cartel no longer serves the firm's interests. Harrington and Chang (2015) argue that leniency programmes are appealing to firms that are part of a dying cartel. On the other hand, as noted by Allain et al. (2011:23), leniency programmes may arguably incentivise firms to form cartels as they decrease the costs of participating in cartels. As such, it is important to design a leniency programme with reduced loopholes, which can be manipulated. Empirical research by Spagnolo (2004) has shown that well-designed leniency programmes play an important deterrence role in the formation of cartels. It is important to note that scholars such as Harrington and Chang (2015) have argued that leniency programmes should neither be an end in themselves nor a replacement of non-leniency programmes. Instead, competition authorities should focus on enforcing competition law and use leniency programmes as one of the tools to do so and not as a substitute for enforcement (Ibid).

Considering the success of leniency programmes, some scholars have suggested that competition authorities should consider offering rewards as part of their deterrence efforts; a reward may incentivise a cartel member to come forward to the authorities (see Aubert et al. 2006:1249). The notion of rewarding guilty corporates for revealing their illegal activity may, however, lack legitimacy in society. Questions around the value of the reward and who pays for the reward would need to be considered. Competition authorities may potentially use monies they receive from penalties to raise the rewards, but arguably, as suggested by Aubert et al. (2006:1249), the monies would be better spent on building the resource capacities of the competition authorities in order for them to be more effective in their work. Alternatively, according to Aubert et al. (2006:1250), competition authorities may negotiate with firms that come forward to report a cartel and give the rewards in secret. Such a strategy would again lack legitimacy and undermine the principles of transparency and fairness that are the cornerstones of competition policy (Ibid). Another objection to the rewards policy noted by Aubert et al. (2006:1250) is similar to the one raised by some scholars as a disadvantage of leniency programmes: rewards may encourage collusion; firms may find it profitable "to collude and report or to 'take turns' for reporting collusion". Although this is theoretically possible, it is, however, unlikely, as colluding firms do not want to be on the radar of the authorities, which is what happens when an industry has been highlighted for collusion.

This section has outlined the analytical framework used to analyse the case study of collusion within the construction industry ahead of the 2010 FIFA World Cup in order to answer the research question: *How is authority enacted in hybrid governance processes?* Considering that the FIFA World Cup is an important sporting mega-event, the next section provides a brief overview of mega-events literature.

2.6 Hybridity in the context of a mega-event

Mega-events have become topical across different academic disciplines, providing important insights into governance in contemporary society. Horne and Manzenreiter (2006:1) have pointed out that mega-events are a key feature in the global capitalist society (see Roche 2000). Roche's (2000:1) commonly used definition of mega-events is "large-scale cultural (including commercial and sporting) events, which have a dramatic character, mass popular appeal and international significance". Müller (2015:634) defines mega-events as "ambulatory occasions of a fixed duration that (1) attract a large number of visitors, (2) have a large mediated reach, (3) come with large costs, and (4) have large impacts on the built environment and the population". Horne (2007:82) asserts that media coverage is key for an event to be classified as a mega-event. Based on the above definitions, the key characteristics of mega-events are: size, large costs, prestige, extensive media coverage and a substantial impact on the host nation.

Research by Flyvbjerg, Bruzelius and Rothengatter (2003) into mega-events shows how difficult it is to ascertain accurate information pertaining to costs and benefits, as various experts provide different and contradictory facts, albeit that it is agreed that hosting such an event is an expensive undertaking. One reason for the high costs of hosting mega-events, relevant for this dissertation, is the cost of infrastructure development. For example, in the case of the 2010 FIFA World Cup, the infrastructure development was extensive, with new football stadiums built, in addition to other infrastructural projects needed to support the event, such as roads and railway links. Some of the infrastructural development projects built to support mega-events have to conform to specific requirements, which might not necessarily be appropriate for local needs (Coakley & Souza 2013). Indeed, the main critique of mega-events is that they mostly serve the interests of elites: in particular, the sponsoring global

corporations who have lucrative contracts in exchange for their sponsorship. In chapters five and six, I explore this criticism in relation to the research findings, in order to gain new understanding into the dynamics shaping the process of hybridisation.

Despite the high costs of staging a mega-event and the difficulty in measuring the returns from the event, mega-events remain popular. One of the reasons for the popularity of mega-events is that they foster national unity. Mega-events are seen as a “seminal moment” in the history of a nation because they “represen[t] the possibility of a natural break point in its collective trajectory – even if in practice the durability of this break point is inconsistent and the repercussions uncertain” (Black 2007:264). Therefore, mega-events tend to increase nationalism among citizens, as the events promote an atmosphere of “local identification, vision and motivation” (Gratton & Preuss 2008:1928). However, an important consideration in the discussion about national unity and national identity in relation to hosting a mega-event is that it tends to conflate the issue of support of the mega-event and support for the sport. In other words, notwithstanding “the value of sport to increase national identity and potentially drive social capital, there is a flaw in the reasoning that an increased sense of national identity results from mega event hosting” (Heere et al. 2013:452). Furthermore, the extent to which the increase in national identity is a positive development is not clear (Ibid). Notwithstanding the problematic reasons for supporting mega-events, states are prepared to go through a rigorous bidding process to win the right to host the mega-event. An important reason for this is that mega-events enable the state to exercise soft power; a point which is discussed further in the next section.

2.6.1 Mega-events as a state strategy to exercise soft power in hybrid structures

Joseph Nye’s (1990) coined the concept of soft power, where the state practices diplomacy without the use or threat of force. Public diplomacy is a state-centric diplomatic exercise that aims to engage with the citizens of other states in order to facilitate “a more receptive environment for the foreign policies and economic interests of that given state using positive messages and image” (Grix & Lee 2013:529). However, in precise terms, the state does not have a monopoly on soft power. As Bially Mattern (2007:102) noted: “Soft power is available to any actor that can render itself attractive to another”. However, soft power in the context of a mega-event tends to be state-centric to the extent that it is the state, which, through using

public funds and resources, is best positioned to undertake the huge investments associated with the event. Soft power has been accused of being a concept that is relevant to developed countries and not necessarily appropriate for the Global South (see Grix, Brannagan & Houlihan 2015; Grix & Brannagan 2016). For example, the structure of the global economy disadvantages non-Western countries, which may have an impact on their use of soft power. The point of departure for this dissertation is that the South African state sought to exercise soft power through hosting a mega-event. Cornelissen (2004a:42) argues that the South African government has sought to host mega-events since attaining democracy in 1994. After years of isolation under apartheid, hosting mega-events has been viewed as an important means to engage with the international community. Examining the strategies used by the South African state to gain legitimacy for the 2010 FIFA World Cup provides further insights into how authority is enacted and shapes the process of hybridisation. The next section discusses the financial reasons explaining why states in the Global South are increasingly interested in hosting mega-events.

2.6.2 Mega-events as a means to enter the global financial system

According to Horne and Manzenreiter (2006), sporting mega-events are interwoven into the different processes of the global capitalist economy. Therefore, developing countries that have been excluded from fully participating in the global economy increasingly view mega-events as an important vehicle into the “global configuration of production, finances and commerce, and tourism is an important aspect of this” (Cornelissen 2004a:43). In the contemporary era, mega sporting events are usually conceptualised within the context of globalisation as states seek to use these events to access the global economy and attract foreign investors (see Hiller 2000; Roche 2000). Indeed, mega-events have become an important vehicle for African states to gain competitiveness in an increasingly tough and competitive global economy. As Scarlett Cornelissen (2004a:51) argues:

The African continent, perhaps more than any other developing region, finds itself in a paradoxical situation where mega-events pose a means of entry to other structures of production, finances, and technology that configure the global economy, but it is largely lacking the resources to access it. Despite the cogency and parsimony of globalization as an explanatory framework for mega-events, therefore, a great deal of this framework is structured from a position that does not wholly account for the types of challenges faced by African countries.

2.7 Conclusion

This chapter has outlined the key debates and gaps in hybridity literature from across different disciplines. It has highlighted two criticisms levelled against the concept of hybridity. The first criticism is that although hybridity is mostly used by scholars to reject a binary worldview, the term inadvertently reinforces binaries. The second criticism is that the concept of hybridity is overly broad, undermining its analytical rigour. These criticisms reveal a need for a nuanced approach to the study of hybridity. The argument made in this dissertation is that viewing hybridity as a process overcomes these challenges. This is because it captures the different contradictory outcomes and processes constituting hybrid governance. Responding to scholars that have advocated that hybridisation should be conceptualised as a historical process that is empirically determined, this dissertation explores the historical processes of hybridisation shaping the relationships between the state and the construction industry.

The process of hybridisation blurs the boundaries between the different actors within the hybrid structures. Blurring is a characteristic of hybridisation. As such, a useful approach to capture how this blurring manifests is to study the tension between boundary making and boundary crossing inherent in the processes of hybridisation. The chapter outlined the concepts of authority and corruption used in the dissertation to improve conceptual understanding of hybridity. The dissertation's point of departure is that authority relations are hierarchical, albeit contested and undergoing continuous negotiations. The chapter discusses the work of Avant et al. (2010:11), which identifies five sources of authority for global governors: institutional, delegated, expert, principled, and capacity-based authority explored in Chapter five, six and seven.

The dissertation goes beyond the traditional conceptualisation of corruption as a phenomenon where the public official unduly uses their position to attain private gain, by acknowledging that corruption is utilised by different actors in both public and private spheres. Scholars have argued that corruption is the objective of powerful elites in the struggle to access resources. The dissertation explores the role of corruption in enabling the different actors identified in the case study to access resources and shape hybrid governance structures. The chapter points out that the case study of collusion within the construction industry examined in the dissertation brings up

the topic of regulation and the role of law in shaping hybrid relationships, addressed in Chapter seven. The next chapter discusses the methods used to answer the research question.

CHAPTER 3: METHODOLOGY

3.1 Introduction

Ackermann (2012:17) has called for further empirical research to examine the “analytical usefulness” of the concept of hybridity. The dissertation sought to answer this call by examining how the South African state and the construction industry relate to each other as both actors enact authority in a hybrid governance setting of collusion to build football stadiums ahead of the 2010 FIFA World Cup stadiums. Scholars have suggested that a useful approach to researching the nature of hybridity is to approach it as a process (Hutnyk 2005; Colona and Jaffe 2016). In light of this, I examined how the strategies and practices used by both actors in the enactment of authority shaped the process of hybridisation. To analyse the authority relations between the state and the construction industry, I employed the governmentality framework, which will be discussed later in the chapter. A governmentality analysis is useful to give insights into relations between the state and the construction industry because it advocates moving beyond a binary worldview by “focusing primarily on actual practices and rationalities of power” (Hoffman and Verweijen 2018:373). This governmentality approach compliments the approach adopted in the dissertation to unpack the workings of hybrid governance structures. In this chapter I set out and justify the qualitative research methods I adopted to gather and analyse data for the research. The following section outlines the research theory that underpin the approach I adopted to address the research question.

3.2 Research approach

Denzin and Lincoln (2000) make the point that a researcher brings a worldview or paradigm into their work. Meadows (2008:162–163) defines a paradigm as a belief system that guides an individual’s worldview. Egon Guba (1990:17) defined a paradigm as a “basic set of beliefs that guides action”. William Chambliss (1974:152) stated that paradigms not only serve as explanatory tools but provide a lens through which to make sense of the world by either highlighting, ignoring or understating certain elements of the world. Therefore, it is arguable that all research is subjective and influenced by the researcher’s worldview and belief system (see Denzin & Lincoln 2000:22; Wimmer & Dominick 2014:117). This understanding of the role of the researcher is to be contrasted with a positivist understanding that views the

researcher as a neutral and objective observer in the research process. Below is an overview of the different theoretical approaches to research methods. There are broadly three methodological approaches to research in social science: positivism, interpretivism and critical approach. These approaches represent a paradigm about the researcher's worldview.

Snape and Spencer (2003:5–6) argue that positivism goes far back, as René Descartes' work *Discourse on Methodology* (1637) emphasised the “importance of objectivity and evidence in the search for truth”. Descartes, quote in Snape and Spencer (2003:6), assumed that researchers can separate themselves from influences that undermine their objectivity. The concept that the social world can be understood through direct observation and objective interpretation of the observed data is identified with the positivist school of thought (Ibid). This approach is associated with the natural sciences and quantitative research methods where the researcher can test a hypothesis based on such observations.

Second, the interpretivism approach differs from positivism in that it accepts that the researcher is subjective. The interpretivism school of thought is associated with the work of Kant, who argued in *Critique of Pure Reason* (1781) that the positivism emphasis on direct observation to understand the world fails to acknowledge other ways of knowing about the world (Snape & Spencer 2003:6). This approach views knowledge as a social construct of how people understand and make sense of the world. Therefore, a “researcher has to explore and understand the social world through the participants' and their own perspectives; and explanations can only be offered at the level of meaning rather than cause” (Snape & Spencer 2003:23). Interpretivism is commonly associated with qualitative research methods. Qualitative research postulates that research is context based and as such is not a value-free exercise. Third, the critical approach questions the dominant understanding of the social and political structures. The result is that knowledge is constructed through a political lens, particularly the relationship between power and politics.

For this research project, I applied the interpretivism paradigm. Interpretivism regards social reality as complex processes where social actors construe behaviour and events impacting them (Blaikie 1993:96). Although I used the interpretivism paradigm, I used a combination of the different research methodologies to gain a fuller comprehension of the subject under study.

Strauss and Corbin (1998:3) defined methodology as “a way of thinking about and studying social reality”.

As Miles and Huberman (1984:20) rightly observed:

it is getting harder to find any methodologists solidly encamped in one epistemology or the other. More and more ‘quantitative’ methodologists ... are using naturalistic and phenomenological approaches to complement tests, surveys, and structured interviews. On the other side, an increasing number of ethnographers and qualitative researchers are using predesigned conceptual frameworks and prestructured instrumentation.

The research question informed the research method. The nature of the research question needed research methods to be flexible and creative. Therefore, I found the multi-method research approach to be most suitable. According to Levi-Strauss (1966) in a multi-method research approach, the researcher has been described as a bricoleur whose research methods are bricolage. Avramidis and Wilde (2009:332) define bricolage as “a set of interconnected methods aimed at addressing specific research objectives, and as such it represents a coherent research design”. The multi-method approach allowed me to explore adequately the differing ideologies identified in the discussions about the different relationships between the state and the construction industry as they enacted their authority in the case study.

Similarly, as Russel Hathaway (1995) has suggested, the situationalist perspective is an alternative to a dogmatic stance, supporting either the quantitative or qualitative research methods. A situationalist perspective views specific methods as suitable for particular situations (Rossman & Wilson 1985). As a result, the research question has a huge influence on the methods adopted. In other words, different research methods are suited to answer different questions, which in turn leads to certain advancements in knowledge (Hathaway 1995). A qualitative approach was adopted to conduct the research because it allowed for a multi-method data collection technique: I conducted interviews, documentary analysis and thematic analysis of newspaper articles’ portrayal of the collusive tendering in the South African construction industry in the building of the FIFA 2010 World Cup stadiums. However, it should be noted that a multi-method research approach does not necessarily capture social reality with greater precision than other research approaches (see Hesse-Biber & Leavy 2004). The next section discusses qualitative research and provides detailed explanations as to why it was a suitable method for this research project.

3.2.1 Qualitative research

Denzin and Lincoln (2011:3) define qualitative research as:

a situated activity that locates the observer in the world. It consists of a set of interpretive, material practices that makes the world visible. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them.

Similarly, Alan Bryman (1988:46) states that qualitative research aims to get a portrayal of social relationships and human conduct from the perspective of the research subjects. As such, as noted by Denzin and Lincoln (2011:7–8) qualitative research is not value free but is an enterprise that is characterised by tensions and negotiates between different methods and explanations from the data findings. Morse et al. (2002:15) state that for the most part, qualitative findings are not viewed as well-grounded empirical research. This view of qualitative research is unfortunate because, as Mays and Pope (1995:109) rightly noted:

[a]ll research is selective – there is no way that the researcher can in any sense capture the literal truth of events. All research depends on collecting particular sorts of evidence through the prism of particular methods, each of which has its strengths and weaknesses.

Therefore, neither qualitative nor quantitative research can claim to be more solid in comparison to the other. I used qualitative research for this project because of the nature of the research question. Exploring the strategies, mentalities and rationalities that shape the enactment of authority in hybrid structures meant that a research method that recognises the tensions and contradictions inherent in how authority and power is manifested was important. Malterud (2001:486) makes the point that the subjective nature of qualitative research means that the results emanating from this form of research are often not viewed as relevant to the whole of society as qualitative research captures the empirical realities in a particular context. This is a challenge that can be levelled against this research project, which examines a temporal case study of collusion in a private sector industry in South Africa that occurred within a specified timeframe. The 2010 FIFA World Cup is a once-off event that occurred in a specific socio-political context that cannot be duplicated. I will develop a more detailed discussion about this subject in the next section, which will look into the case study as a research method.

3.2.2 Case study

A case study “is a form of analysis where one or a few units are studied intensively with an aim to elucidate features of a broader class of – presumably similar but not identical – units” (Gerring & McDermott 2007:688). Defining the constituents of a case study is challenging because, as Ragin (1992) asserted, cases are arguably social constructs. However, Robert Stake (1995) has stated that case studies should have boundaries, for example, timeframe or size (see Miles & Huberman 1994).

Case studies take a variety of forms: intrinsic, instrumental or collective (Stake 1995). An intrinsic case study is a case chosen on its own merit based on a desire to gain an understanding of that particular case: “[w]e study a case when it itself is of very special interest” (Stake 1995:xi). Stake (2000a) argues that an instrumental case study entails selecting a case because it offers insights into the researcher’s project. As the term suggests, the collective case study refers to selecting more than one case to study a particular phenomenon (Ibid). As observed by Creswell (2013) identifying a suitable case study can be challenging. Indeed, Stake (2000b:446) asserts that when using the case study method, the right choice of cases is important. John Creswell (2013) suggests that cases should be selected based on their ability to answer the research question. Stake (2005:451) argues that the case should be selected on the basis that it is possible to learn a lot from it. Similarly, Stake (2000b:437) asserts that cases are chosen because they further understanding of theoretical concepts and other cases.

Following the suggestion from Stake, I elected an instrumental case study from which I felt I could learn the most to enable me to answer the research question. To be more specific, the case study was chosen primarily for two reasons. First, the South African construction industry has been extensively investigated by the Competition Commission for allegations of collusion, and cases were settled in 2013. The Competition authorities in South Africa decided to pursue the fast-track process with cooperating construction companies as it was arguably the most effective and efficient option. This fast-track process entailed complicit companies agreeing to disclose information and cooperate with the authorities in exchange for paying a fine and gaining immunity from criminal prosecutions. The result of this investigation is that an enormous amount of privileged material that I could draw upon for my research was publicly available. The availability of information was important because collusion is normally very

secretive and difficult for researchers to access information. Second, this case study occurs against the background of a mega-event: the 2010 FIFA World Cup, which was shaped by different actors who were part of a complex and contested hybridisation process. It is a unique case study in the sense that the 2010 FIFA World Cup is the only first-order mega-event ever hosted in Africa. Taking into consideration that the actors involved in the collusion are political and business elites, I discuss some of the challenges faced in researching the elites. The next section explores this issue further.

3.2.3 Researching powerful elites

This research made use of William Harvey's (2011) insightful definition of elites as those who exercise influence via their "social networks, social capital and strategic positions within social structures", with the elite status liable to change over time through either loss or gain of status (Harvey 2011: 433). Moreover, it is possible for elites to be simultaneously part of different realms of social life (Mason-Bish 2018:3). In this research my point of departure has been that individuals involved in the collusive tendering ahead of the 2010 FIFA World Cup were political and business elites. This is because, as discussed in detail in Chapter six, only the top-level construction firms with their politically connected business partners were eligible to tender to build for the 2010 FIFA World Cup, since they were the only ones to meet the requirements. This means that the individuals I identified as elites are very narrow and specific.³ Furthermore, as Hannah Mason-Bish's (2018) and Harvey's (2011) observed, the status of being elite is fluid, as confirmed by the fact that some of the interview participants for this research had changed social positions and in the process had lost the influence they had previously enjoyed. For example, I interviewed the CEO of a consulting company working with small-medium construction firms who had previously been an influential senior director in the banking sector and tourism industry during the 2010 FIFA World Cup. This fluidity has resulted in Mason-Bish (2018:4) arguing for research to "move away from the elite/non-elite dichotomy". Indeed, Conti and O'Neil (2007:79) observed that terminology used to study the powerful "obstructs an analysis of the complex agency and subject positions of all people involved in the research process". The next section discusses the analytical frameworks used to answer the research question.

³ Not all interviewees or individuals examined in the dissertation are described as elites, a case in point is Chapter seven examining corrupt practices by small business construction firms as they interacted with state officials.

3.2.4 Governmentality: a framework to analysis power relations

Foucault (2007:388) conceptualised governmentality as the manner “in which one conducts people’s conduct”. Similarly, Miller and Rose (2008:53) argue that “[p]ower is not so much a matter of imposing constraints upon citizens as of “making up” citizens capable of bearing a kind of regulated freedom”. Although, governmentality literature generally makes a distinction between on one hand, power relations based on liberal rationalities, conducting people’s conduct through freedom and on the other hand, power relations based on illiberal rationalities that work via coercion and violence, scholars are pointing out that this binary approach is not useful. An approach that enables governmentality to move beyond binary worldview is “focusing primarily on actual practices and rationalities of power” (Hoffman & Verweijen 2018:373). According to Death (2013:764), the governmentality framework has three benefits. First, it allows for a focus on power practices as they are enacted, secondly, it goes beyond binaries such as public/private, national/international when examining power practices, and thirdly it emphasises the mutual interdependence of the practices that are normally contrasted against each other, such as violence and coercion/freedom (Death 2013:764). The dissertation draws on Death’s (2013:777) framework that examines governmental rationalities “through their regimes of knowledge, subjectivities, techniques, and fields of visibility”. Regimes of knowledge refers to the underlying rationalities and mentalities in the regime of government focusing on “power relations that are calculated, weighed up, planned and justified, rather than more arbitrary, subconscious or unconsidered power relations, and asserts that forms of verification, truth-making, legitimation, and relations of power/knowledge are central to the way in which contemporary regimes of government operate” (Death 2013:773). According to (Death 2013:773-774) subjectivities refers to the different multiple actors that constitute regimes of government that go beyond the state and encompass a range of non-state actors such as civil societies and international organisations and corporations. Techniques and technologies are identified empirically through “investigating manifestations of power relations at their point of application” (Death 2013:774). Fields of visibility refers to the gaps and differences between competing governmental rationalities. Death (2013:774) asserted that visibility of governed spaces operates “alongside other invisible, ungoverned spaces” that are potential sites of resistance. Drawing on the concept of governmentality the research project reveals that the construction industry and the state employed a range of strategies to enact authority in the case

study, which had different impacts on the hybrid governance structure. The next section discusses data collection and some of the challenges I encountered during the data collection process.

3.3 Data collection

Before discussing data collection, it is important to outline the challenges inherent in researching illicit activities. Von Lampe (2008a:2) stated that the main challenge relates to the issue of access; it is a challenge to identify and get cooperation for research purposes from participants in illicit markets, whose secrecy is important to avoid detection and punishment by authorities. As Mack and Kerner (1975:152) note, “successful substantial criminals are by definition inaccessible”. The result, using organised crime as an example, is that there is a paucity of knowledge on the nature and extent of both local and international organised crime. The United Nations (UN), through the United Nations Office on Drugs and Crime (UNODC), has attempted to collate information on organised crime derived by national databases from the criminal justice system. However, such efforts are undermined by the challenges inherent in collecting statistics: the hidden figure of crime is not represented; and statistics do not show the political and social contexts in which the crime statistics are generated as different countries have different crime-fighting priorities not captured in crime statistics. Furthermore, as Jan van Dijk notes (2007:39–40), organised crime statistics do not show the different measurements across different jurisdictions; nor do they consider impediments to fighting organised crime in different countries, such as corruption and the calibre of the criminal justice institutions that influence investigations and prosecutions. Another challenge to researching organised crime is that it tends to question if the crime

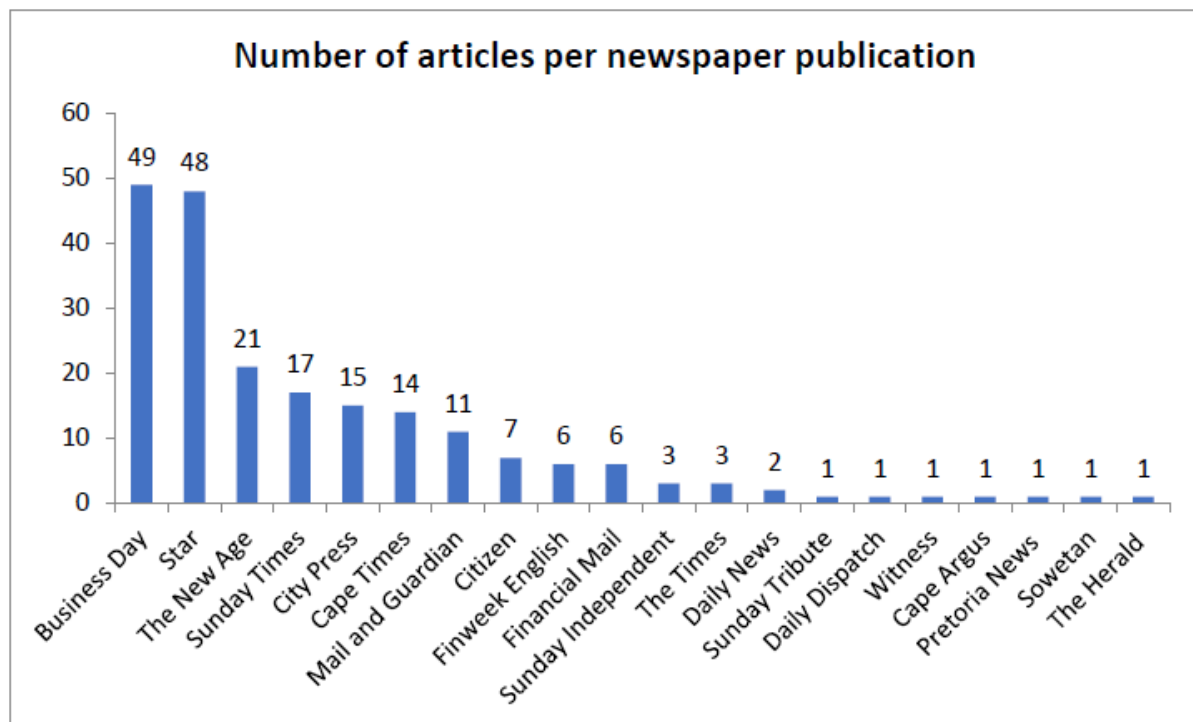
is organized in a particular way, whereas the more sensible question is to ask what factors over time shape the ways in which crimes of certain types are organized and who [beyond just the perpetrators] gets involved in them? (Levi 2007:779)

To combat some of these challenges, a strategy to access individuals who engage in illicit activities is needed. Michael Levi (2015) suggested that to access respectable businessmen who engage in illegal activity is to take an approach that is non-accusatory and indirect, focusing on what other people in their industry have done. The next section will outline the sources of data used to answer the research question.

3.3.1 Media articles

One of the methods I used to answer the research question was to conduct a thematic analysis on the media articles relevant to my case study in order to gain insights into the ways in which the various stakeholders perceived the collusion in the construction industry. To create the database required to conduct the analysis, I collected English and Afrikaans text media articles. I chose English and Afrikaans because, although South Africa has 11 official languages, the dominant languages in the media are English and Afrikaans. To collect the English text media articles, I searched for published articles in the South African national press on collusive tendering in the construction industry between 1 January 2011 and 31 December 2013. These dates were chosen because the Competition Commission invited construction companies to cooperate with their investigations in February 2011 and officially closed the cases and issued fines to contravening companies in 2013. The text media articles were obtained from SA Media via Sabinet Reference, accessed via my subscription through the University of Cape Town (UCT) electronic databases. I used the keywords ‘collusive tendering construction industry’ in the keywords search on SA Media. The articles were found in 20 media publishing houses (see Figure 3.1, below). A total of 209 online articles were collected and analysed. I conducted a thematic analysis of the data as outlined in the next section.

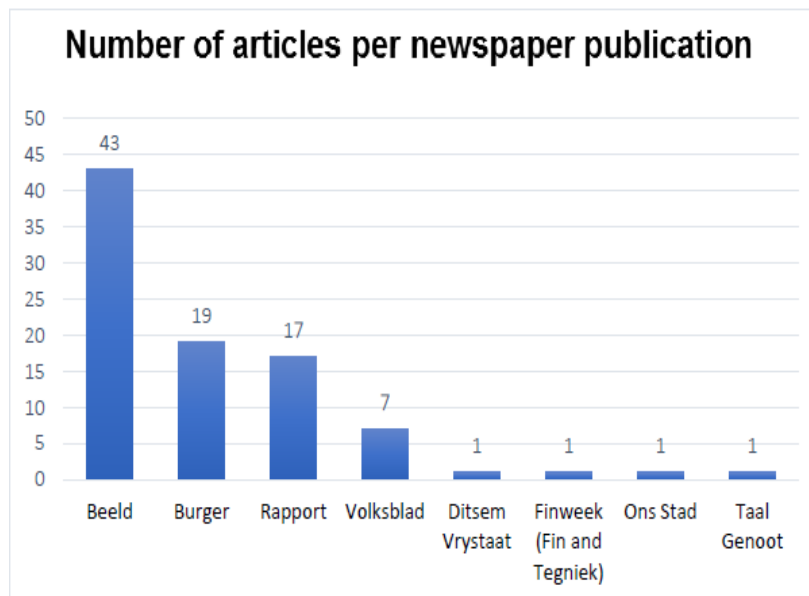
Figure 3.1: English newspaper articles



3.3.2 Afrikaans articles

Using the approach set out above, I also collected the Afrikaans text media articles published by the South African national press on the construction industry between the same dates. I used the keywords ‘konstruksie bedryf’ (construction industry) in the keywords search on SA Media. For the Afrikaans text media articles, I decided to employ a broad search of the construction industry, because when I narrowed the search to ‘sameswering konstruksie bedryf’ (collusion construction industry) and ‘sameswering tenderproses’ (collusion tendering) there were no results. I also searched for the term ‘sameswering’ (collusion) in the keywords search on SA Media. This term captured articles outside the construction industry which are beyond the scope of this research project. Therefore, I settled for articles derived from the keywords ‘konstruksie bedryf’ (construction industry) as those words would inadvertently capture all the articles that discussed important developments in the construction industry such as the collusive tendering, which was a topical issue in the industry during the period under examination. The search yielded 90 articles (see Figure 3.2), which were analysed thematically.

Figure 3.2: Afrikaans newspaper articles



3.3.3 Thematic analysis

Thematic analysis has been defined as “a method for identifying, analysing and reporting patterns (themes) within data. It minimally organizes and describes your data set in (rich) detail” (Braun & Clarke 2006:79). Thus, “[a] theme captures something important about the data in relation to the research question and represents some level of *patterned* response or meaning within the data set” (Braun & Clarke 2006:82). Braun and Clarke (2006:83) identify two types of thematic analysis: inductive and theoretical thematic analysis. The former relates to themes derived from the data as opposed to the latter, in which themes are identified from the data in order to address the research question. Additionally, Braun and Clarke (2006:84) note that there are varying levels at which to conduct thematic analysis: semantic/explicit and latent/interpretative. The semantic level with regard to the identification of themes is at a surface level. In contrast, the latent level themes are identified beyond the surface level and seek “to identify or examine the *underlying* ideas, assumptions, and conceptualisations – and ideologies – that are theorized as shaping or informing the semantic content of the data” (Braun & Clarke 2006:84).

Braun and Clarke (2006) suggest a process of conducting thematic analysis, as shown in Table 3.1 below.

Table 3.1: Steps to conducting thematic analysis

Step	Description of the process
1. Familiarising yourself with your data:	Transcribing data (if necessary), reading and re-reading the data, noting down initial ideas.
2. Generating initial codes:	Coding interesting features of the data in a systematic fashion across the entire data set, collating data relevant to each code.
Searching for themes:	Collating codes into potential themes, gathering all data relevant to each potential theme.

Source: Adapted from Braun and Clarke (2006:87)

Drawing on Braun and Clarke's (2006) suggested process to conducting thematic analysis, I first read the media articles to familiarise myself with the data. I manually coded the data by highlighting the data extracts relevant to my research question. Codes identify "the most basic segment, or element, of the raw data or information that can be assessed in a meaningful way regarding the phenomenon" (Boyatzis 1998:63). I then analysed the coded extracts and searched for themes that answered the research question. To do this, I used the theoretical thematic analysis approach discussed above. I employed the assistance of visual aids, such as mind-maps, to map out the themes emerging from the coded data.

I complemented Braun and Clarke's (2006) process by drawing on Tuckett's (2005) work to refine the themes that emerged from the coded data, using the below approach.

Box 3.1: Questioning coded data within a theme

Who is saying it, and what is it about?

What is being described (event, action, interaction) in the data? Why?

How is what is being described understood (processes) – what does it mean?

What are the consequences of the meaning (social context)? What is the context?

What are the consequences in relation to truth-telling?

How are elements in the theme under inspection linked to form a cohesive narrative?

Source: Adopted from Tuckett (2005)

It is important to highlight the two main criticisms of textual analysis that are relevant to the thematic analysis. First, an important criticism of textual analysis in researching media products is that it results in the researcher superimposing his or her beliefs and values on the text (Phillipov 2013:212). Although this is a valid concern, the alternative, empirical research advocated by the critics of textual analysis is not immune to the same criticism (Phillipov 2013:213). I think what is important is that as a researcher, one is aware of one's subjectivity and personal values that one brings to the research project.

Second, text-based analysis has been criticised for a failure to acknowledge the influence that framing has on media articles. The framing of media text is based on the understanding that such texts represent a site that represents contestations and clashing of different ideologies and social realities of different social communities (Gurevitch & Levy 1985:19). Pan and Kosicki (1993:57) defined framing as “a strategy of constructing and processing news discourse or as a characteristic of the discourse itself”. Robert Entman (1993:52) advanced a popular definition that “to frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described”. In response, Elfriede Fürsich (2009:247) argues that a lack of understanding of the objective of textual analysis informs criticism. Building on Richard Johnson's (1986) work, in which he called for textual analysis that goes beyond formal analysis, arguing that to study texts whilst

acknowledging that the text will have different subjective meanings inherent in the text (Johnson 1986:62), Fürsich (2009:247) argues that texts from media outlets are complex and dynamic. In other words, textual analysis of media text “is not seen as the rather passive or maybe reflective crop of media production; texts are the momentarily fixed form of an ongoing negotiation or even struggle over meaning and common sense” (Fürsich 2009:247). Therefore, while Fürsich (2009:250) acknowledges the importance of gaining the context of media text by understanding the process of production of the media text and the end users’ reception to the text, he reiterates the importance of the researcher’s appreciating the weaknesses and strengths of this method of data collection.

3.3.4 Research assistant

As mentioned earlier, to gain insights into the different perceptions of collusion in the South African construction industry, I conducted a thematic analysis of English and Afrikaans text media articles written during the period when the Competition Commission was conducting its investigations. As I cannot speak, read or write Afrikaans, a research assistant translated the Afrikaans news media articles into English. I utilised the services of a research assistant who is a native Afrikaans speaker and was at that time working as a researcher at the University of Cape Town. The research assistant translated the 90 Afrikaans articles into English word for word. I used the translated English articles to conduct the thematic analysis to answer the research question.

3.3.5 Interviewing

According to Breakwell (2012:369) interviews are widely used in qualitative research because they are flexible and can be tailor-made to gather different forms of information that are suitable for different types of interpretation. This flexibility means that interviewing as a method is used across different research methodologies and is arguably a “universal mode of systematic inquiry” (Holstein & Gubrium 1995:1). Furthermore, interviewing was most appropriate for this research because participants could give me invaluable insights into the research question.

It is widely accepted that a key challenge in conducting interviews, particularly with elites, is around access (see Ostrander 1993; Mikecz 2012). Elites tend to be private and busy individuals who are protected from prying eyes by a myriad gatekeepers (see Gearon & Kuusisto 2018; Berger 2015; Mikecz 2012; Gilding 2010). My initial attempts at setting up interviews in 2015 with individuals from the top construction firms were not successful. I had attempted to contact the firms by phone and was getting a standard response, which was that the case was completed and all information publicly available. I was told that for further information I should take a look at their website.

I was able to secure interview participants who were in a position to provide useful information to answer the research question through my Zimbabwean network. As a Zimbabwean who has been living in South Africa since 2013, I have access to a network of Zimbabweans (some of whom have become South African citizens and hold influential positions in different fields) who were able to introduce me to their network of people who were willing to help me. Education is highly respected in Zimbabwean culture; therefore, the credentials of being a PhD student were enough for the participants to agree to be interviewed. I also think because most of the people I reached out to had university degrees, there was a general understanding that the interviews for research are anonymous and not intended to harm participants. I also secured interviews through emailing individuals I identified as being able to provide me with useful information. Interview participants were selected through criterion sampling and snowball sampling. Criterion sampling involves the selection of participants who have expertise and can share useful insights pertaining to the research topic (Creswell 2013). Snowball sampling is defined as “a series of referrals that are made within a circle of people who know each other” (Biernacki & Waldorf 1981:151). A technique to sample selection “for every research method or statistical procedure” is lacking (Wimmer & Dominick 2014:104). Margarete Sandelowski (1995:179) rightly noted that underestimating the importance of numbers for an effectual sampling method is a common mistake. Notwithstanding that the sample size is determined by the research question, the general recommendation for qualitative research is that, unlike quantitative research, which is equipped to quantify large data sets, qualitative samples “should not be too large [so] that it is difficult to extract thick, rich data” although “the sample should not be too small that it is difficult to achieve data saturation” (Onwuegbuzie & Leech 2007:242).

This research made use of a non-probability sampling method to secure interviews that would enable me to answer the research question. A non-probability sample selects “to reflect particular features of or groups within the sampled population. The sample is not intended to be statistically representative; the chances of selection for each element are unknown but, instead, the characteristics of the population are used as the basis of selection” (Ritchie et al. 2003:78). Similar to criterion sampling, non-probability sampling enabled me to select the interview participants based on their expertise and ability to provide insights into the research project as opposed to their representation in a population. A total of 25 individuals were interviewed (see Table 3.2 below) (see Appendix A for a complete list of the interview participants). The interview participants are identified by the sectors that they represented, the location where the interview took place and the date when the interview was conducted.

Table 3.2: Interview participants included in the research

Interview participants	Number
Activists ⁴	4
Government department (National Treasury; former employee in the Ministry of Tourism; and senior police official)	3
Construction industry representatives ⁵	4
Competition and infrastructure lawyers	2
White-collar experts	5
Competition Commission representatives	1
Journalists and editors	4
Experts on mega-events	2
Total	25

⁴ These are the individuals who actively campaign to address the problems in the South African construction industry, which is structured in favour of big construction firms. These individuals include trade union officials, a representative of a political party and a representative of an association of small black-owned construction firms.

⁵ After an unsuccessful attempt to get hold of representatives from the top construction firms that were implicated in collusive tendering, I decided to interview other actors in the construction industry such as BEE-owned construction firms, engineers and consultants working in the construction industry.

Interviews can be “unstructured, semi-structured and structured” (DiCicco-Bloom & Crabtree 2006:314). Semi-structured interviews were adopted because they are arguably more flexible than structured interviews. A semi-structured interview consists of open-ended questions that are both prepared before the interview as well as developed during the interview process (DiCicco-Bloom & Crabtree 2006:315). When interviewing elites, thorough interview preparation is key to gaining useful information and showing the “seriousness of the interviewer” (Zuckerman 1972:164; see Mikecz 2012; Harvey 2011). Therefore, I tailor-made interview questions for each interview to complement the participant’s background and expertise, in order to ensure that I derived the most benefit from each interview. Although the interview questions were prepared ahead of time, in order to enable a more authentic interview, I made allowance for the interviewees’ responses to have some influence on the order of questioning. This approach was advocated by Steinar Kvale (1983) and it enables the interviewees to share their opinions and experiences without the constraints of a rigid and structured interview process with predetermined interview questions. As a result, I could ask probing questions to gain an understanding of the research question while also leaving room for the interview participant to share their opinions as well as give information on issues of which I might have been unaware.

The interview location can have an impact on the research process when interviewing elites (Mikecz 2012). Therefore, it is best for the interview to be conducted in a neutral public space. Because it is important when interviewing elites for the researcher to be flexible (Mikecz 2012), I decided to conduct the interviews in venues that were suitable for the participants: mainly the office and public areas such as coffee shops. The interviews ran over a duration of 30 minutes to one hour. After consent and permission were granted, interviews were recorded. Although there is an argument that an interviewer should cover topics “that explore deviant or illegal activities, expose the vested interests of powerful persons or persons engaged in coercive or domineering behaviours”, ethical issues of not causing harm to the participant is important (Corbin & Morse 2003:337). Because of the sensitive nature of this research, bearing in mind that some of the construction firms potentially faced civil and criminal lawsuits, I informed participants that whatever information was shared would be kept confidential as the point of the interviews was not to cause the participants harm. This stance was also useful for building trust. It should be noted that, although I was taking extra caution, at the time of the interviews

the possibility of civil and criminal lawsuits was very limited due to the agreement between the state and the construction industry. Chapter seven discusses this agreement in further detail.

3.3.6 Positionality during the interview process

Berger (2015:220) noted that positionality affects the research in three ways: first, in accessing the interview participants; second, it shapes the relationship between the researcher and participants; and third, the researcher's background and ideology has an impact on how they frame research questions and filter information, which has an impact on the research findings. Therefore, the effects of positionality require that the researcher is reflective and engages in "internal dialogue and critical self-evaluation of the researcher's positionality as well as active acknowledgement and explicit recognition that this position may affect the research process and outcome" (Berger 2015:220). My positionality as a black Zimbabwean woman undertaking research on collusion in the South African construction industry had a significant effect on the responses I received during the interview process. That the interviews were conducted several years after the Competition Commission had completed the investigations of a specific case of collusion also affected the responses I was able to secure. I think this is because the investigations and payment of fines by the construction industry had been completed, and as such, my interview questions were regarded non-threatening and I avoided taking a confrontational approach during the interview. Furthermore, the people I ended up interviewing were not directly involved in the construction industry collusion but were experts who had insights into the workings of the industry and were not going to be compromised by sharing their knowledge about corruption in the industry.

Conti and O'Neil (2007:79) note that when interviewing the powerful, power relations between the researcher and interview participant need to be "strategically managed". I was aware of the power dynamics during the course of the interviews, and the fact that I was interviewing some influential individuals was made implicit in subtle ways. For example, there was an instance when I went to interview a senior official at the National Treasury in Pretoria in his office, who decided that the interview should be conducted in one of the boardrooms. The interview I had with a senior editor of an influential business newspaper came to an abrupt end when the participant received a phone call about a development that was going to make national news that evening. Despite this and other displays of authority, I found that the power relations in

most of the interviews were dynamic and constantly changing during the course of the interview. I think this is mostly because, as a PhD researcher, I was perceived by most of the participants as an expert. Similar to Mason-Bish (2018), I found that the approach I adopted was that of a knowledgeable researcher who is not threatening. This enabled me to build rapport with the participants until I could ask sensitive questions.

The issue of my race was very important with regard to the type of information I was able to get from the interview participants. I found it interesting, especially with black participants, that they felt a camaraderie with me, especially when we were discussing an issue on which they thought we shared similar views. At this stage, they would ask for me not to record the interviews. On one hand, this was useful, and I gained important insights into the different perceptions on corruption which are highly racialised in South Africa, as the empirical chapters will reveal. On the other hand, it was challenging for me not to display my personal beliefs when I did not agree with some of the participants' viewpoints that I felt were inaccurate. In general, as a young black female conducting the interviews, I found that particularly the black male professionals were very supportive and told me that they wanted to support a sister because they understood it was not easy. For example, I went to an organisation to conduct an interview and at the completion of the interview, the interviewee asked his colleague, a senior official in the organisation, who agreed to an interview on the spot. In turn, he phoned a colleague from another organisation who stated that he would be available for an interview after lunch. At this point, he insisted on taking me and the colleague I had interviewed earlier for lunch while I waited to conduct the interview. The reason was he wanted to make sure his colleague kept his word and did the interview. At the end of the day, I had three very useful interviews and a free lunch.

At the time of agreeing to go for lunch, I did not reflect on the ethical implications of such a decision. An opportunity to conduct a useful interview had been presented to me unexpectedly and my instinct had been to assent to it. In hindsight, I think I felt safe because we had lunch in an open public space. What was interesting was that, inevitably, the issue of my tribe would come up after the interview. At this point, I revealed that I was Zimbabwean, which was always a surprise, because apparently I look and sound Zulu (which is a South African tribe). There is a perception in the literature that foreigners studying elites are at an advantage as they seem to be perceived as less of a threat and can be trusted with more information (Sabot 1999; Mikecz

2012). I am not sure if knowledge of my nationality prior to the interview would have changed the dynamics. My positionality during the interview process was that of “multiple overlapping identities” (Kezar 2002:96). My role was simultaneously that of a PhD student asking questions in a non-threatening way, knowledgeable researcher, and black female who could be trusted with sensitive information. To complement the data I gathered from the interviews, I consulted a wide range of documents. The next section explores the role of documents in research.

3.3.7 Documents

Throughout the research project, I collected, read and analysed documents in a variety of forms: transcripts from the Competition Commission hearings; academic journal articles; books; newspapers; legislation; court cases; government reports; and policy papers. For the most part, documents provide information. However, documents are not necessarily objective entities as they are produced from different methodological paradigms. Therefore, my role as a researcher analysing the documents is crucial. As a qualitative researcher, I believe that the researcher is not an objective neutral spectator in the research process, including the documentary analysis process. As discussed earlier in the section, I conducted a thematic analysis on the print media’s articles on collusive tendering in the South African construction industry. This analysis is an explicit example of how documents, such as newspaper articles, provide objective as well as social constructs of illicit activity by respectable businessmen. The analysis was informed by the interpretivism paradigm, which meant that I had to be aware that producers of the documentation had social constructs derived from ideologies and paradigms that might have influenced the product. Similarly, I had to become aware of my bias and worldviews that could potentially shape the way I approached and understood a document. This was particularly relevant when I was analysing the documentation of a transcribed interview. The next section discusses the measures I took to ensure the reliability and validity of the research process.

3.3.8 Reliability and validity

Morse et al. (2002:17) advocate for verification in qualitative research, with verification being defined as: “the mechanisms used during the process of research to incrementally contribute to ensuring reliability and validity and, thus, the rigor of a study”. Morse et al. (2002) identified five verification strategies, which, when implemented, ensure that qualitative research is

reliable and valid. First, the research question should be compatible with the methods adopted. Second, the sample size must fit the research question. Third, the collection and analysis of data should be intertwined. The fourth stage, that of ensuring that research is reliable, is to think theoretically, which needs a macro-micro approach “inching forward without making cognitive leaps, constantly checking and rechecking, and building a solid foundation” (Morse et al. 2002:18). The last stage is built on theory development by linking the data which is micro to the theory which is macro (Ibid).

Morse et al. (2002:17) claim that the quality of research is based on the skills of the researcher, in particular, the researcher’s ability to ensure that the data is reliable, as the researcher has a huge influence on the research process, interpretation of data collected and subsequent findings. Malterud (2001) argues that the researcher should be conscious of reflexivity and identify any preconceptions they bring to the research project. This includes “previous personal and professional experiences, pre-study beliefs about how things are and what is to be investigated, motivation and qualifications for exploration of the field, and perspectives and theoretical foundations related to education and interests” (Malterud 2001:484). I kept a diary in which I made notes of my observations, thoughts and assumptions, preconceptions and ideological beliefs that might have an impact on how I interpreted information that I came across. For this research project, I examined multiple varied documents such as academic articles and government reports as well as conducted interviews. In conducting the interviews, I was aware that I am not a neutral participant but an active participant (Bryman 1988); therefore I identified and was aware of factors that affect the authenticity of the interview process; for example, how I interpreted the information from the interview. Therefore, I made sure I took detailed notes in addition to recording the interview. I was aware that note taking can reinforce biases and “lose significant information from the interview” (Breakwell 2012:378). To minimise such biases, I opted for the time-consuming complete transcription of the recorded interviews (Ibid). This was manageable as I had only 25 interviews to transcribe.

To increase the validity and reliability of the qualitative research approach, I made use of triangulation. Norman Denzin (1978:291) define triangulation as “the combination of methodologies in the study of the same phenomenon”. Triangulation is used to “summarize; methodological triangulation involves a complex process of playing each method off against the other so as to maximize the validity of field efforts” (Denzin 1978:304). For this research

project, I used both triangulation and reflexivity to address the criticism levelled against the use of a case study approach as a research method. A case study research method has been criticised in that, because it occurs in a specific context, it might not be appropriate to generalise the findings to other contexts, although theoretical generalisations are possible. However, the purpose of a case study research method is not limited to the purpose of making generalisations. As mentioned earlier in this chapter, the intrinsic case study is chosen precisely because it is unique and valid to study as an end in itself. Stake (2000a:128) makes a similar point and asserts that:

[t]he bulk of case study work, however, is done by people who have intrinsic interest in the case. Their intrinsic case study designs draw these researchers toward understandings of what is important about that case within its own world, which is not the same as the world of researchers and theorists.

Nonetheless, the criticism levelled against case study research needs to be addressed in order to produce rigorous scholarship. Triangulation enabled me to address these challenges. Triangulation has been described as “a process of using multiple perceptions to clarify meaning, verifying the repeatability of an observation or interpretation” (Stake 2005:454). In other words, this research project made use of data triangulation by first, collecting data from multiple sources, such as academic literature and interviews with selected participants; and second, acquiring information using different research methods, such as interviews, discourse analysis of media portrayal of the collusive tendering and document analysis of different documentation that included Competition Commission hearing transcripts.

However, Fielding and Fielding (1986:33) criticise Denzin’s conception of triangulation by pointing out that triangulation does not “necessarily increase validity ... different methods have emerged as a product of different theoretical traditions, and therefore combining them can add range and depth, but not accuracy”. The case for triangulation is based on the “intention of adding breadth or depth to our analysis but not for [the] purpose of pursuing ‘objective’ truth” (Fielding & Fielding 1986:33). This point is important, because I feel that the use of triangulation in conducting the research for the case study resulted in a more nuanced understanding of the political, social and economic context in which the collusive tendering in the South African industry occurred. This gave my case study analysis greater depth. However, the extent to which triangulation made me an objective researcher is debatable. The next section

explores how I conducted data analysis of the information I had gathered through the various methods I have discussed in the chapter.

3.3.9 Data analysis

Data analysis has been described as “breaking a phenomenon into its constituent parts and viewing these parts in relationship to some whole” (Ragin & Amoroso 2010:55). The analysis of data from qualitative research is not a value-neutral exercise; “decontextualisation and recontextualisation” are employed (Malterud 2001:486). Decontextualisation enables “parts of the subject matter to be lifted out and investigated more closely, together with other elements across the material that tells about similar issues” (Malterud 2001:486); while recontextualisation ensures that “the patterns still agree with the context from which they were collected, and is important to prevent reductionism and to maintain the connections between the field and the informants’ accounts of reality” (Malterud 2001:486). As mentioned earlier, I opted for a complete transcription of the interview data. As I transcribed the interviews, I compared and contrasted the new data from the previous transcripts, using the constant comparative method. The constant comparative method enabled me to make notes of interesting insights that I could use to increase the validity and reliability of my research. For example, any discrepancy from the interview participants on an issue was jotted down in my reflective diary and followed up. The coding and interpretation process was done manually. Coding is defined as “applying labels to particular extracts from the interviews in order to be able to identify them as belonging to various descriptive or analytical categories” (Layder 2005:52). Coding is highly subjective and as such, the aim of the exercise was to organise the data collected during the interview process in the “most meaningful way” (Dey 2007:92). The interview transcripts were anonymised and stored in folders on my laptop. To ensure the security of the interview transcripts I encrypted the folders, so I am the only one who can access them.

3.4 Ethics

The Research Ethics Committee (REC) at the University of Cape Town (UCT) seeks to ensure that all research gathering data about human participants undergoes an ethics clearance process in adherence to the South African Constitution, 1996 (Constitution) and legislation (National

Health Act 61 of 2003). Section 12(2)(c) of the Constitution states that researching humans without informed consent is prohibited. According to the National Health Act 61 of 2003, health is defined as well-being, and health research encompasses “surveys, interviews, focus groups or ethnographic observations”. The preamble of the UCT Researchers Ethics Code outlines that UCT’s objective in research involving human participants is guided by principles of accountability, integrity, “social sensitivity and responsibility with respect for the dignity and self-esteem of the individual and for basic human rights”.⁶ As my interaction with human participants for the research was through interviews, I sought direction from the UCT Researchers Ethics Code to safeguard the well-being of research participants and obtained informed consent; and I took measures to protect participants from unintended harm and potential loss of anonymity. The rest of the section explores these ethical issues further.

To adhere to the UCT Researchers Ethics Code when I conducted the interviews, I followed Glynis Breakwell’s (2012:370) suggestion that interviews should begin with an introduction in which the participant is given adequate information to enable them to give informed consent. Such an introduction should, however, not “compromise the validity of the participants’ subsequent answers to questions” (Breakwell 2012:370). I ensured that I introduced the interview and fully briefed research participants on the nature of the research and purpose of the interview in order for the participants to give informed consent. I also explained that the interview could be stopped at any time.

Confidentiality is an important ethical imperative. Before each interview, I informed the participants of my commitment to maintaining their confidentiality at all times. I also made full disclosure to participants on how data from the interviews would be used and who would have access to the data. To ensure the protection and anonymity of the interview participant, I removed information that would identify the interview participants from the dissertation.

Herbert Kelman (1972) noted that an ethical dilemma results from the fact that research participants who are a source of data in the social sciences tend to have unequal power relations to the researchers. As such, Edwards and Mauthner (2002:27) point out that instead of “ignoring or blurring power positions, ethical practice needs to pay attention to them”. On the

⁶ UCT. *Research ethics code for research involving human participants*. Available at http://www.law.uct.ac.za/usr/law/downloads/uct_researchethicscode.pdf, accessed 10 March 2019.

other hand, Thorne (1980:294) argued that the powerful groups in society are less vulnerable and as such require less protection as mandated by informed consent. Rainwater and Pittman (1967:365) make the argument that social scientists are obligated to make available information that enhances accountability of powerful public figures whose privileged positions enable them not to take responsibility. However appealing Rainwater and Pittman's argument may be, in the context of this research, as already pointed out, interview participants, particularly from the South African construction industry, are especially vulnerable as some of the companies are facing civil charges. As such, it is important that participating in this research does not cause them harm. On the other hand, Lee and Renzetti (1990:512) rightly asserted that "it is possible for any topic, depending upon the context, to be a sensitive one". Therefore, I used the same precautions to protect all interview participants.

3.5 Conclusion

This chapter explored the methods used to investigate the case study that will be used to answer the research question. The challenges of researching power and authority were outlined. The chapter also discussed the governmentality analytical framework used in the dissertation to examine how the different authorities in the case study enacted and articulated authority and how this shapes and influences hybrid structures.

The case study approach was chosen because it was best placed to answer the research question. Notwithstanding the difficulty with this approach, specifically its unsuitability to be generalised, the case study was still the appropriate choice because it enabled me to gain an understanding of the nature of collusive tendering in the private sector.

This research project relied on interviews which have the main advantage of being relatively flexible. However, interviews have some challenges such as ensuring that participants provide accurate information as well as an accurate interpretation of the interview by the researcher. As a safeguard, I incorporated techniques such as triangulation and reflexivity to ensure that the interview process was valid and reliable.

The next chapter will give detailed background information that will be built upon by subsequent chapters. The next chapter is the context chapter, which outlines the case study of

collusion in the South African construction industry to build football stadiums ahead of the 2010 FIFA World Cup. To give context to the case study, the chapter examines corruption in the South African political economy.

CHAPTER 4: UNDERSTANDING COLLUSION IN THE CONSTRUCTION INDUSTRY IN LIGHT OF CORRUPTION IN THE SOUTH AFRICAN POLITICAL ECONOMY

4.1 Introduction

This chapter provides context to the themes outlined in the subsequent empirical chapters to answer the research question: *How is authority enacted in hybrid governance processes?* The chapter is divided into four sections. First, the chapter discusses the case study used to conduct this research on collusive tendering in the South African construction industry to build the 2010 FIFA World Cup stadiums. The second section examines the South African political economy, providing the background to the government policies discussed in the empirical chapters. The third section outlines the challenges of corruption in contemporary South Africa, characterised by blurring of interests between state actors and big business. This blurring of interests is explored further in the following chapters because it shapes both the hybridisation process and formation of hybrid governance structures. The fourth section concludes the section and outlines the subsequent empirical chapters.

4.2 Case study: collusion in the South African construction industry to build 2010 FIFA World Cup football stadiums

On 10 February 2009, the Competition Commission commenced investigations into allegations of collusion between the top construction companies in building the 2010 FIFA World Cup stadiums in South Africa. The Competition Commission is an investigative and enforcement body created by the Competition Act 89 of 1998 as one of the three independent regulatory agencies to enforce the Act. The other two are the Competition Tribunal (the Tribunal) and the Competition Appeal Court. The purpose of the Competition Commission is to investigate restrictive business practices that undermine competition in the South African economy.

Anti-competitive practices take various forms and this dissertation investigates one of the forms: collusive tendering. Hunter and Simons (1963:17) define collusive tendering as “restrictive trading practices whereby ‘competing’ firms seek to eliminate any element of price competition through prior agreement on the tender price to be offered”. In this case study, collusive tendering was practiced using cover bids or cover pricing. A cover price is:

a price that is provided by a firm that wishes to win a tender to a firm that does not wish to do so, in order that the firm that does not wish to win the tender may submit a

higher price: or alternatively a price that is provided by a firm that does not wish to win a that tender in order that the firm that wishes to win the tender may submit a lower price. (Competition Tribunal 2013b: para 1.9)

Collusive tendering is prohibited under South African legislation in terms of section 4(1)(b)(iii) of the Competition Act 89 of 1998. The Competition Commission investigations' into the construction industry were initiated because of the high increases in the price of steel.⁷ Investigation findings pointed to collusion as a reason for price increases and, subsequently, the Competition Commission launched an investigation into the wider infrastructural development programmes connected to the 2010 FIFA World Cup (Ibid). The reasoning behind this decision was that steel is a major component in infrastructure development. With the government committing R30 billion to infrastructure development for the 2010 FIFA World Cup it was important to scrutinise the sector (Department of Sport and Recreation 2010:10).

The investigations revealed that collusion was pervasive within the sector and applied to many projects; the investigation disclosed 300 instances of collusion (Competition Tribunal 2013a). For example, Murray & Roberts, one of the top four construction firms in South Africa, was implicated in 17 collusion projects between 2001 and 2007 (Competition Tribunal 2013b). In 2006, Murray & Roberts was part of a Road Contractors Meeting with other top firms where they agreed to allocate tenders for road contractors among themselves (Ibid:para 5.1). Again, in 2007, Murray & Roberts colluded with WBHO and Group Five in the Gautrain Project (Ibid:para 5.2). In 2005, Murray & Roberts's subsidiary, Wade Walker, was part of the Wade List Meeting with Group Five's subsidiary, Group Five Energy, where 43 electrical and instrumentation services tenders were identified and divided among themselves (Ibid:para 6.1). Although the 2010 FIFA World Cup infrastructural development project had various components, that included the upgrading of transportation infrastructure, security and immigration, for practical purposes, this case study will examine only one aspect of the infrastructure development for the 2010 FIFA World Cup, which is the building of the football stadiums. The majority of the government's 2010 FIFA World Cup budget went to the construction and upkeep of football stadiums (Department of Sport and Recreation 2010:172). As Table 4.1 below shows, the cost of building and upgrading the stadiums ended up being more expensive than originally budgeted for. The initial budget allocated towards stadiums was

⁷ Interview participant, senior investigator at the Competition Commission, Pretoria, 31 July 2017.

R8,4 billion but the effectual costs were approximately R15,9 billion, almost double the initial budget (Department of Sport and Recreation 2010:43–45).

Table 4.1: Building costs of stadiums

Stadium	Cost estimate (2006)	Winning tender	Final costs (2010)
Free State	80 000 000	245 000 000	253 000 000
Green Point	1 600 000 000	3 700 000 000	4 500 000 000
Loftus Versfeld	40 000 000	98 000 000	115 000 000
Mbombela	650 000 000	952 700 000	960 000 000
Moses Mabhida	1 800 000 000	1 900 000 000	3 100 000 000
Nelson Mandela	750 000 000	1 200 000 000	1 850 000 000
Peter Mokaba	650 000 000	870 000 000	1 100 000 000
Soccer City	1600 000 000	1500 000 000	3700 000 000
Ellis Park	40 000 000	229 000 000	254 000 000
Total cost in Rands	7 290 000 000	10 841 700 000	15 982 000 000

Source: Data from Building and Wood Workers International (2010:44); Department of Sport and Recreation (2010:45).

Figure 4.1: 2010 FIFA football stadiums



Source: Image from BBC Sports⁸

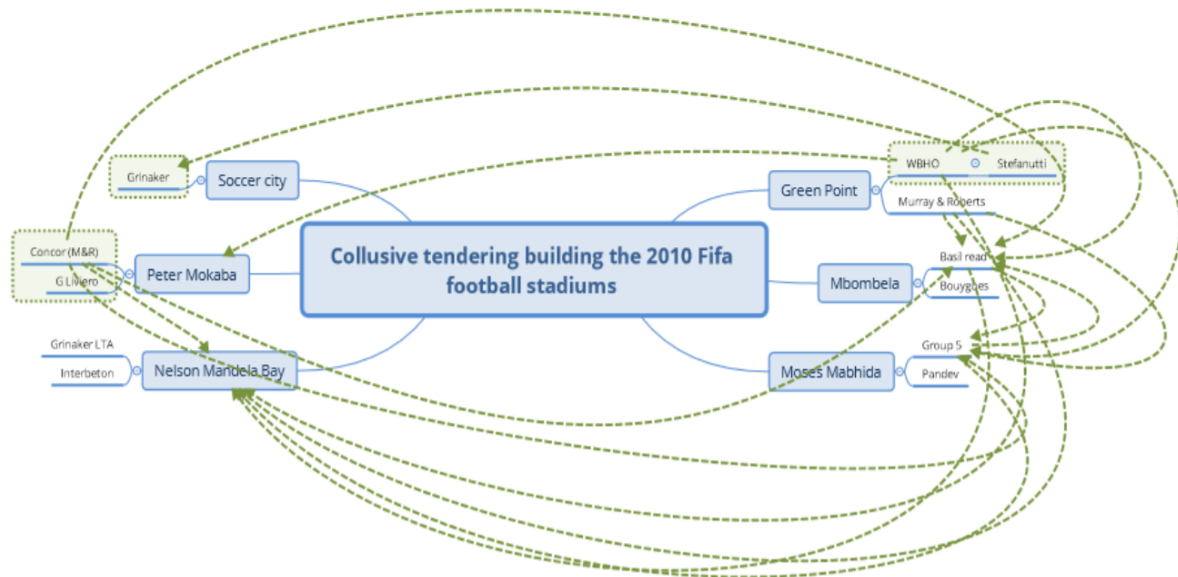
As the figure from the BBC Sports illustrates, the five new stadiums were Green Point, Mbombela, Moses Mabhida, Nelson Mandela Bay and Peter Mokaba. There were five upgraded stadiums: Ellis Park, Soccer City, Free State, Loftus Versfeld, and Royal Bafokeng.

4.2.1 Collusive tendering - an entrenched practice within the South African construction industry

The investigations into the collusive tendering in the South African construction industry revealed a complex system of corruption within the industry. As the below diagram shows, collusive tendering was widely entrenched in the South African construction industry.

⁸ BBC Sport, 2009. *Is South Africa ready for 2010?* 11 June 2009. Available at <http://news.bbc.co.uk/sport2/hi/football/8088624.stm>, accessed 09 November 2018.

Figure 4.2: Diagram showing the collusive arrangements in the stadium building for 2010 FIFA World Cup using data disclosed to the Competition Commission



Green Point was built by WBHO and Murray & Roberts. WBHO and Stefanutti Stocks disclosed colluding for this contract.

Mbombela was built by Basil Read and Bouygues. Investigations revealed WBHO, Murray & Roberts, Basil Read, Group Five and Concor colluded for this contract.

Moses Mabhida was built by Group Five and Pandev. Investigations revealed WBHO, Murray & Roberts, Basil Read, Group Five and Concor colluded for this contract.

Nelson Mandela Bay was built by Grinaker-LTA and Interbeton. Investigations revealed WBHO, Murray & Roberts, Basil Read, Group Five and Concor colluded for this contract.

Peter Mokaba was built by WBHO. Concor and G Liviero disclosed colluding for this contract.

Soccer City was built by Grinaker. Grinaker and Stefanutti Stocks disclosed colluding for this contract.

On 1 February 2011, after extensive investigations, the Competition Commission issued an invitation to the construction firms in South Africa who had violated section 4(1)(b)(iii) of the Competition Act 89 of 1998 “to apply to enter into a settlement process” (Competition

Commission 2011:4). The settlement process involved the Competition Commission and a guilty construction firm entering into a consent agreement based on the firm meeting three criteria. First, the construction firm had to cooperate and make a truthful disclosure to the Competition Commission. Second, henceforth, the construction firm had to commit to abiding by and complying with the requirements of the Competition Act 89 of 1989. Last, the construction firm had to agree to pay the administrative penalty fee as prescribed by the Competition Commission.

The eventual consent agreements can be divided into two categories of cases: disclosed and non-disclosed cases. The disclosed cases involved a firm making a disclosure about the projects with which it had been involved that contravened the Competition Act 89 of 1989. The non-disclosed cases were the cases that, through the investigative process, implicated the construction firms, but the firms had not disclosed the projects to the Competition Commission. The non-disclosed projects arguably go against the notion of the settlement process as the firms had failed to make truthful disclosure on the projects in which they were involved, and that violated the Competition Act 89 of 1989. In response to this tension, the Competition Commission's Advocate Unterhalter, explained that in the case of non-disclosed projects, the Competition Commission had:

sought explanations from the parties concerned and ... it was satisfied that what had happened was that there was no deliberate non-disclosure, but simply that firms had sought to find out what had happened. But many of these projects relate to circumstances that happened many years ago where the persons that they sought and of whom they had made inquiries were sometimes not available, and they couldn't get the information.⁹

In the Tribunal hearing, to confirm the various consent agreements, the implicated firms made the excuse that they were not able to confirm some of the projects because the individuals involved in the collusive tendering had left the firms, mostly through retirement and resignations.¹⁰ In other words, the people responsible are no longer around. Therefore, it is not possible to give a comprehensive account of what transpired. As alluded to by some of the Competition Tribunal Judges, this explanation was a convenient excuse for the construction firms to deflect responsibilities. To understand how large-scale collusion within the construction industry to build the 2010 FIFA World Cup was possible, the next section discusses the historical reasons that has influenced the political economy of South Africa,

⁹ Competition Tribunal hearing transcripts, 17 July 2013, 45–46, accessed 10 November 2018.

¹⁰ Ibid.

which is marked by big state-supported companies dominating key industries. One of the important reasons why collusion at this scale was possible is because the South African construction industry is dominated by a few large construction firms that have the resources and capacity to implement state policies. As the following chapters highlight, an analysis of how the construction industry implemented the post-apartheid government policies, designed to create a more equitable economy, provides insights into the characteristics of hybridisation.

4.3 A historical overview of South Africa's political economy

According to the World Bank (2018) South Africa is one of the biggest economies in Africa, along with Nigeria and Angola. In Southern Africa, “its economy dominates the region” (Carmody 2002:256). The South African economy is complex; on one hand, it is highly developed, with a minority of the population enjoying first world transport, financial and banking services. Yet, on the other hand, as noted by Wise (2004) most of the population does not enjoy development. Two main factors have had an impact on the South African economy. First, the discovery of diamonds and gold in the late 1860s and 1880s respectively shaped the South African economy and influenced the sociopolitical spheres in a manner that is still evident today. Wise (2004:8) points out that the South African mining sector was the bedrock of the country's economy and informed the groundwork for government economic policy. In a bid to mitigate the adverse effects of building the economy around the mining sector, the government sought to build up capacity in the local farming and manufacturing sectors (Ibid). This resulted in the creation of huge state-owned monopolies in key industries of the economy.

Second, colonial and apartheid systems of government influenced and shaped the South African economy. The economy was created to further the interests of the minority rule, resulting in socio-economic inequality along racial lines, with a disproportionate number of black South Africans classified as “chronically poor” (Aliber 2003:487). A myriad of laws placed restrictions on the ability of black South Africans and women to participate effectively in the formal economy. Furthermore, the apartheid government sought to implement economic policies that would weather the effects of isolation from the global economy. Therefore, sectors that were important to the economy such as mining, energy, and agriculture received huge state support. As Banda et al. noted (2015:9) this resulted in an economy that was dominated by large companies in these strategic sectors. This legacy of large companies dominating the

economy has continued into the current democratic dispensation. Therefore, “[a]lthough the South African economy was largely opened to the global market in the past twenty years, any benefits that could have resulted from liberalisation have been muted by the fact that the actual structure of markets has not changed significantly” (Banda et al. 2015:9). It is against this background that the African National Congress (ANC)-led democratic government has sought to transform the South African economy to benefit all South Africans.

4.3.1 A context to the battle for economic control: the rise of neoliberalism

During the fight against apartheid, the ANC lacked a coherent economic policy. The extent of the ANC’s economic policy during this period was “a mixture of *dirigisme* and socialist reform of the economy via nationalisation of the mines, banks and monopoly industries. However, the exact manner and policies by which the ANC was to pursue this were never formally enunciated” (Williams & Taylor 2000:24). The reason behind the vague socialist rhetoric was that it “gave the ANC leadership considerable ideological leeway successfully to stitch together a loosely defined coalition of interest groups that included workers and aspirant entrepreneurs, Christians and Communists, and the unemployed and middle class, around a shared objective of dismantling apartheid” (Murray 1994:18). However, during the transition from apartheid to democratic rule in South Africa, the ANC’s economic policy shifted from a vague socialist orientation to a neoliberal free market approach. Neoliberalism is a doctrine popularised by Margaret Thatcher and Ronald Reagan in the 1970s and 1980s that rejected the welfare state. The key tenets of neoliberalism are government austerity and the importance of the free market in fostering economic growth. Peck et al. (2009:50) assert that the rise of neoliberalism is due to a combination of the effects of the welfare state and the reduction of profitability in labour-intensive industries that were key for Western capitalism. Duménil et al. (2004) argue that neoliberalism is an extension of capitalism, to the extent that it seeks to further the interests of capitalism. Furthermore, as Peck et al. (2009:50) note, neoliberalism was international in scope and not limited to tensions found in Western capitalism. Indeed, the debt crisis of the 1980s meant “neoliberal programs of restructuring were extended selectively across the global South through the efforts of US-influenced multilateral agencies to subject peripheral and semi-peripheral states to the discipline of capital markets” (Peck et al. 2009:50).

Several factors have been expounded for the embrace of a neoliberal economic approach by the ANC-led government. First, Williams and Taylor (2000:26) point out that the legitimacy of socialist economic policies had been undermined by the collapse of the Soviet Union economy in the 1990s. Second, Landsberg (1994) asserts that the ANC was inundated and influenced by neoliberal propaganda from the United States and other Western countries. Williams and Taylor (2000:26) notes, big business' “‘charm offensive’ on the ANC elite in general, and Mandela in particular” was key in getting the ANC to adopt neoliberal policies. In support of Williams and Taylors observations, back in 1994 Landsberg (1994:290) stated: “It is interesting to note, for example, that Mandela’s evolving position on fiscal responsibility was a direct response to pressures from foreign investors and governments”. The result was that by the end of the 1990s, neoliberal economic doctrine informed the economic policy of the South African government (see Saul 2001:436; Habib & Padayachee 2000:252).

In 1996, the Growth, Employment and Redistribution (GEAR) economic policy document encapsulated the official neoliberal economic approach that the South African state would pursue (RSA, Department of Finance 1996). Drawing from neoliberalism, GEAR policies advocate for economic growth, reduction of government spending and the privatisation of state entities. This has implications for governance arrangements in South Africa, as non-state actors have stepped up to fulfil state duties. This dissertation makes the argument that these governance arrangements are hybrid in nature. To gain insights into the workings of these hybrid governance arrangements, the interactions between the different governance actors with simultaneously blurring and contradictory interests is explored in the following chapters. The GEAR was an important policy shift, replacing the Reconstruction and Development Programme (RDP) implemented in 1994. The RDP was a policy document created by the ANC and its alliance partners, the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU) (ANC 1994). The objective of the RDP was to create a more equitable economy with the state having “a leading and enabling role in guiding the economy and the market toward reconstruction and development” (ANC 1994:para 4.2.3) Under the RDP, the state was envisaged as having “a significant role for public sector investment to complement the role of the private sector and community participation in stimulating reconstruction and development” (ANC 1994:para 4.2.4). However, as noted by Williams and Taylor (2000) the RDP faced criticism for being vague and impractical without real prospects of implementation. In 1996, GEAR replaced the RDP, which effectively meant

that the socialist-leaning economic policies had been discarded and South Africa would pursue a neoliberal economic approach.

GEAR argued for increased economic growth as the vehicle to achieving a more equitable economy. Therefore, a competitive “stable environment for confidence” was needed to attract investments (RSA, Department of Finance 1996:2). Measures to attain the stability and competitiveness required by investors included “flexibility within the collective bargaining system” (RSA, Department of Finance 1996:2). Although the leftist-leaning alliance partners, COSATU and SACP, were critical of GEAR, a compromise was reached in order to protect the alliance, as the ANC was clear that the main tenets of GEAR were “non-negotiable” (Williams & Taylor 2000:33; see Peet 2002:75). In return, the then president Mbeki sought to pacify the alliance partners through reiterating the importance of RDP. Speaking at an investment event in 1999 he stated that “[t]he RDP programme, as a broad policy framework, remains relevant ... I also believe that the policy (Gear) remains correct and that the next government will continue to be bound by it”.¹¹ The next section examines an example of neoliberal practice adopted by non-state actors in the South African private sector, relevant to this research.

4.3.2 Neoliberal practices in South Africa

The emphasis of government austerity under neo-liberalism led to the state subcontracting service provision (rowing) to non-state actors while retaining the authority to set policy (steering) (Osborne & Gaebler 1993:25). Under this arrangement, non-state actors took on the responsibility of providing services that the state traditionally provided. The implementation of Corporate Social Responsibility (CSR) programmes is a mechanism through which non-state actors take on state duties. CSR has been defined as “a phenomenon whereby commercial entities deploy social and environmental policies that go beyond their formal legal duties and potentially beyond their goal of maximizing profits for shareholders” (Shamir 2010:532). Hönke’s (2012:68–69) research has found that, where companies engage in CSR programmes in fragile states, despite the rhetoric of commitment to democratic principles, the empirical reality on the ground suggests that the main objective of the programmes is to secure stability.

¹¹ IOL, 1999. *Mbeki to keep RDP and Gear*. Available at. <https://www.iol.co.za/business-report/economy/mbeki-to-keep-rdp-and-gear-800158>, accessed 20 April 2019.

A popular example in literature of the state subcontracting to non-state actors is in the field of crime control. Garland (1996) argues that the United Kingdom government pursued a strategy of responsabilisation through working in partnership with various non-state actors, encouraging them to take an active role in crime control. The various types of responsabilisation strategies that include CSR programmes gave rise to the regulatory state. The regulatory state is defined as “a shift in the style of governance away from the direct provision of public services, associated with the welfare state, and towards oversight of provision of public services by others” (Scott 2000:44). Garland (1996:454) and others argue that responsabilisation strategies, when successfully implemented, can extend the power of the regulatory state. This is because, as Rose and Miller (1992:189) highlights, retaining the power to steer policy strengthens state power because the state is able to implement “programmes of government by influencing, allying with or co-opting resources that they do not directly control – banks, financial institutions, enterprises, trade unions, professions, bureaucracies, families and individuals”. In other words, the state is governing at a distance (Garland 1996). The CSR initiatives undertaken by the South African construction industry are examined in Chapter seven. Chapter seven explores how the CSR initiatives shaped the relationship between the construction industry and the South African government and impacted the process of hybridisation. The point of departure of this dissertation is that an examination of corruption in the construction industry, as firms implemented state policies, provides insight into the nature of the relationship between the state and the construction industry and how the relationship shapes hybrid governance structures. To give context for this assertion the next section discusses the role of corruption in shaping the political economy of South Africa.

4.3 Corruption in contemporary South Africa

The period of white minority rule in South Africa ran from the 1870s to 1994, with corruption taking many different forms. Indeed, corruption was a key facilitator to the colonial and apartheid system of government. Hyslop (2005:789) makes the point that a period of heightened political corruption was during the creation of the Afrikaner state by the National Party (NP) was marked by patronage politics to establish a strong Afrikaner role in the South African economy. As Lodge (1998:164) noted, a system of governance such as apartheid, which is organised around advancing the social, economic and political interests of one racial group “had at least a form of transactive corruption built into its functioning”. This corruption

was fuelled by the apartheid state's attempts to mitigate the effects of sanctions against its government. Government departments such as defence and secret services were particularly vulnerable to corruption and ran covert illicit operations that included smuggling weapons and oil (see Ellis 1996:181; Goga 2014:65) resulting in the blurring of licit and illicit activity in both the public and the private sector. According to Van Vuuren (2017), such operations occurred through a complex network of individuals who shared similar commercial and political interests. Secret funds and the use of front companies was utilised; the private sector played a key role in enabling the state to access the global economy. Ken Owen, the former editor of the Sunday Times astutely stated in respect of the NP:

Behind the racial ideology lay a naked greed which, combined with the centralisation of power, secrecy and short tribal lines of communication, generated pervasive and growing corruption. The procurement of food for the prisons department or medical supplies for hospitals or strategic stocks to beat sanctions, became the path to fortune for people who would now be called 'tenderpreneurs'. (Owen 2002, quoted in Boraine 2012:51).

Similar, Mangcu (2014:189) argues that patronage politics is well entrenched in the political psyche of South Africa; the notion of the 'the chief' can be traced:

from Jan van Riebeeck right through to all those vainglorious 19th century colonial governors. The history of the 20th century is littered with these big men, and they were all men – Paul Kruger, Louis Botha, Jan Smuts, D F Malan, Hendrik Verwoerd, John Vorster, P W Botha and F W de Klerk.

This legacy of corruption has endured, albeit, in different forms. However, the political transition from apartheid to democracy created a unique set of conditions establishing systematic corruption. The ANC was formed in 1912 to fight for the rights and freedom of all Africans. Allegations of corruption and abuse of power have affected the legitimacy of the ANC, and a narrative of a political party in crisis has emerged (Johnson 2015). For Johnson (2015:50) the current state of affairs was inevitable because of "the nature of African nationalism". Johnson argues that when African nationalism triumphs there is always a "period of rapid appropriation by the new elite which took the seats of political power and set about a headlong process of primary accumulation" (Johnson 2015:50).

The democratic dispensation has created new challenges for the ANC. The resource-intensive election process has created an environment in which corruption can flourish; the ANC has been accused of raising funds through "politically motivated contracting" and accepting funds from dubious sources (Lodge 2014:17). For example, in their book, Plaut & Holden (2012:197)

reveal that the ANC accepted funds from figures such as the former President of Indonesia, Suharto and the former president of Nigeria, Sani Abacha; the former allegedly donated \$60million and the latter \$10 million. These two figures were dictators who ran corrupt regimes responsible for gross human rights violations (Ibid). Furthermore, funding political campaigns has blurred lines between politics and the business sector. An example of this is the establishment of the Progressive Business Forum (PBF) in 2006, where membership fees was paid to the ANC. This Forum is essentially a place where the business community can have access to senior government ministers. According to (Nicolson 2018) tickets to attend a dinner held by the PBF in November 2018, range between R500 000 to R1 million. Chancellor House is a conglomerate of South African companies that have investments in different areas, including mining and energy, that was allegedly set up as a “funding vehicle” for the ANC (Boraine 2012:101). The existence of Chancellor House not only exemplifies the blurring between politics and business in South Africa but has other more pressuring implications. Plaut and Holden (2012:211) raise an important question concerning the notion of democracy because “any companies that are willing to share their stakes with the ANC are arguably provided with an unfair advantage in the competition for state contracts”.

Rose-Ackerman (1999:211) noted that individuals who

give funds to elected officials might expect returns whether it be from preference when seeking contracts and state tenders, or in terms of favourable policy outcomes. When the interests of such wealthy groups conflict with those of the general public, this undermines democratic values and outcomes.

The complex and fluid relationship between the ANC and the business sector is also perpetuated by the somewhat controversial policy referred to as the “comrades in arms” model (Plaut & Holden 2012:199). This model involves the ANC deploying some of its members into the business world with needed support to secure state contracts (Ibid). These businessmen are then obligated to offer financial assistance to the ANC through “generous donations” (Ibid). Similarly, as Davis (2010) points out, the ANC has a policy of deploying comrades into influential public office positions; party loyalty is the requirement for these appointment. Davis (2010) states that that deployment of loyal party members to strategic areas is “unique to political parties (like the ANC) steeped in the Leninist tradition of democratic centralism. This principle commits every cadre to defending and implementing the will of the party leadership,

even if it means acting outside the Constitution and the Law”.¹² The policy document entitled the National Democratic Revolution (NDR) by the ANC (2007) gives insight into the ideology of the ANC. The NDR shows that the ANC seeks to be the centre of power in the state with party officials leading in state institutions, civil society, educational institutions, business and media. This ideology is highly susceptible to perpetuating corruption in both the private and public sectors.

Similarly, a widely held practice of appointing prominent ANC individuals as board members in the corporate sector further illustrates the blurring between the private and public sectors. For example, a prominent name in the arms scandal, the now deceased Joe Modise, had been the first Minister of Defence, in the Mandela government. Mr Modise was a key figure in the ANC who had been a founding member of the Umkhonto we Sizwe, the military wing of the ANC. Feinstein (2007) points out that after his retirement from government, he went on to sit on several boards of companies in the arms industry.

4.3.1 Defining corruption cases post-apartheid South Africa

Numerous corruption incidents have implicated the ANC, three cases stand out because of the huge sums involved and the political ramifications to the legitimacy of the ANC-led government; the infamous arms deal, the Nkandla scandal and the state capture scandal. The arms deal was a defining scandal that brought a face to corruption in the new democratic South Africa. The scandal implicated senior ANC officials who misappropriate billions of Rands in the acquisition of military equipment for the South African Department of Defence. As noted by Feinstein (2007) there have been allegations that the arms deal financed the ANC campaign for the 1999 elections.

- ***Nkandla scandal***

The Nkandla scandal was an important corruption case during the Zuma presidency concerning the upgrading of his private homestead in the rural town of Nkandla. The controversial Zuma administration was marked by factional politics centred around loyalty to a personality. The fact that former president Zuma was able to be elected as president in 2009 amidst allegations

¹² Davis, G., 2010. An independent cadre is a contradiction in terms amid party loyalty. *Mail & Guardian*, November 2010. Available at <https://mg.co.za/article/2010-11-19-an-independent-cadre-is-a-contradiction-in-terms-amid-party-loyalty>, accessed, 08 November 2018.

of 783 corruption charges, although, the case was dropped by the National Prosecuting Authority (NPA), provides important insights into public perceptions on corruption in South Africa. Bruce (2014:50) argues that the popularity of Zuma, despite allegations of his involvement in systemic corruption suggests that “many South Africans are willing to excuse or overlook acts of corruption”. This has adverse effects on the fight against corruption and reveals that despite policy rhetoric about the importance of addressing corruption, there also exists “[t]olerance for corruption” (Bruce 2014:50). Notwithstanding, this “[t]olerance for corruption” highlighted by Bruce (2014:50), the controversial Nkandla upgrade of former President Zuma’s homestead cost the taxpayer R200 million, causing a massive public outcry.¹³ I would argue that this expensive upgrade exemplifies leadership that is out of touch with the concerns of the public. This is especially the case when one examines the socio-economic status of the Nkandla community. Nkandla is a poor rural town in the province of KwaZulu-Natal, it is estimated that 99.5% of the population make a living “from a combination of government grants, migrant remittances, informal services, and simply eking out a living off the barren soil. The place gives a literal meaning to the phrase ‘dirt-poor’” (Mangu 2014: 292).

- *State capture scandal*

The state capture scandal was a defining corruption case in the Zuma administration. The 2016 Public Protector’s report on state capture in South Africa detailed a complex network of politically connected businessman who have captured key state institutions through corrupting politicians and public officials for private interests. The face of this state capture has been encapsulated in the business relationship between the Gupta family and the family of former president Zuma. According to the Public Protector (2016) the Gupta family held extensive powers, which included the appointments and removals of state ministers and directors of state institutions.

Against this backdrop, the post-apartheid ANC-led government was tasked with creating an equitable economy redressing the effects of the policies under colonial and apartheid rule. The black economic empowerment (BEE) policies have been identified as an important vehicle to

¹³ De Vois, P. 2013. Nkandla: Everything that’s wrong with the Zuma government. *Daily Maverick*, 30 January 2013. Available at <https://www.dailymaverick.co.za/opinionista/2013-01-30-nkandla-everything-thats-wrong-with-the-zuma-government/>, accessed 09 November 2018.

achieve economic transformation and create an equitable economy in the new democratic South Africa. Chapter six discuss how the implementation of BEE policies is undermined by corrupt practices between big business and politically-connected businessmen (the businessmen are former politicians who are spouses of senior state officials). The dissertation argues that corruption blurs the interests of the construction industry and politically connected businessmen, providing further understanding into hybrid processes.

4.4 Conclusion

This chapter has outlined the case study used to answer the research question for the dissertation. The political economy of South Africa was discussed to provide the rationale behind the ANC-led government's policies that sought to achieve a more equitable economy. As the following chapters show, the implementation of these government policies reveal the nature of authority relations between the state and the construction industry within a hybrid governance setting. The chapter discussed corruption in contemporary South Africa and argued that corruption has been enduring both during the apartheid and post-apartheid era. It is understanding how corruption shapes authority relations between actors in the state and construction industry that provides further understanding into how the process of hybridisation unfolds.

CHAPTER 5: RESOURCE DISTRIBUTION AND HYBRIDISATION

5.1 Introduction

Mega-events tend to be state-centric because it is the state, which, through using public funds and resources, is positioned to undertake the huge investments associated with the event. The South African government had been campaigning to host the FIFA World Cup since the Mandela presidency. This chapter notes that for the South African government, successfully hosting the 2010 FIFA World Cup was an important exercise in soft power. However, it should be pointed out that, although in the context of mega-events soft power is attributed to the state, soft power could be exercised by both state and non-state actors. This chapter focuses on the state as a point of departure in order to explore the strategies used by the South African government to gain support and legitimatise hosting the 2010 FIFA World Cup. The chapter builds on Albrecht's (2018a) argument that analysing the subject's strategies in the enactment and articulation of authority gives insights into the hybridisation process. For the purposes of this dissertation the exercise of authority is conceptualised as relational. The enactment of authority by the state refers to how the South African government achieved its primary objective of hosting a successful 2010 FIFA World Cup. The chapter seeks to address the sub-question of *how the strategies used by the state to enact authority in the construction of the 2010 FIFA World Cup stadiums shaped the process of hybridisation*. The chapter argues that there are inconsistencies between state strategies in seeking to gain support for the FIFA World Cup, policies, and actual implementation of state policies. These inconsistencies bring further understanding into the process of hybridisation by showing how access and distribution of resources is determined in hybrid governance structures. Therefore, the chapter explores the practices and implementation of state strategies and policies ahead of the 2010 FIFA World Cup.

5.2 The African World Cup

We want, on behalf of our continent, to stage an event that will send ripples of confidence from the Cape to Cairo – an event that will create social and economic opportunities throughout Africa. We want to ensure that one day, historians will reflect upon the 2010 World Cup as a moment when Africa stood tall and resolutely

turned the tide on centuries of poverty and conflict. We want to show that Africa's time has come.¹⁴

This quotation by the former president of South Africa, Thabo Mbeki, reveals that the South African government took the position to promote the 2010 FIFA World Cup as an African ~~World Cup~~. The statement “[w]e want to show that Africa's time has come” in the above quotation has moral undertones that arguably increased the stature of the 2010 World Cup from being just a South African event to an event for the entire African continent. In other words, the first FIFA World Cup in Africa was intended to show that Africans are capable of hosting a successful mega-event. As then Minister of Sport and Recreation, Mr Fikile Mbalula, stated: “There can be no argument that the successful presentation of this event was an ‘image coup’ for the entire continent and that one of the intangible legacies will be how global perceptions about South Africa and Africa have shifted” (Department of Sport and Recreation 2010:5). Although this message was attractive, the reality is that it fails to capture the nuances of the continent. An argument can be made that few African countries can rival the infrastructure that South Africa has to be able to host a mega-event; therefore, the idea that any African state can do the same is disingenuous. Furthermore, a series of xenophobic attacks on black immigrants from African countries before and after the event undermined the African World Cup narrative. Van der Westhuizen and Swart (2011:173) noted that xenophobic attacks in a township in the Johannesburg area, Alexandra, in May 2008 resulted in 60 deaths and the displacement of thousands of immigrants. Notwithstanding the challenges surrounding xenophobia in South Africa, the 2010 FIFA World Cup was a successful exercise of soft power by South Africa not only on the international stage but also in Africa. As one of the experts I interviewed stated:

[W]ith South Africa having this intention of being a pivotal state in the region and also a leader on the continent, the World Cup meant a lot. Because remember the only pivotal state is Nigeria in the West and South Africa and they are competing for dominance. So, once you host the World Cup then you have flexed the muscle to show that I am a big brother.¹⁵

The African Union fully supported the 2010 FIFA World Cup and rallied countries across the continent to ensure a successful event and use it as a platform to promote peace and development (United Nations Office on Sport for Development and Peace 2010). The Southern

¹⁴ sport24. 2008. *SA launch official 2010 slogan*. Available at <https://www.sport24.co.za/Soccer/SA-launch-official-2010-slogan-20080905>, accessed 04 November 2018.

¹⁵ Interview participant, professor, Pretoria, 26 June 2017a.

African Development Community (SADC), a regional economy community, sought to use the 2010 FIFA World Cup to raise awareness of investment opportunities in the region.¹⁶

5.2.1 The South African World Cup

Korr and Close (2008) point out that for the black majority in South Africa, football is not just a game but a highly symbolic sport; a sport symbolic of the resistance movement during the apartheid era (see Alegi 2004). On Robben Island, the political prisoners used football “as a tool, to develop the skills essential to their role in post-apartheid South Africa” (Briedenhann 2011:7). Ndlovu (2010:144) asserts that South Africa’s suspension from FIFA in 1961 was a significant victory in sports diplomacy for the anti-apartheid movement. This historical context “partly explains the ANC’s contemporary enthusiasm for the sport as cultural diplomacy in the democratic era” (Ndlovu 2010:146). Therefore, an element of the 2010 World Cup “was about South Africa categorically reclaiming its spot in the world of international sport which had served as such an important ally in the struggle against apartheid” (Nyar 2014:22). In other words, for the political elites in South Africa, the 2010 FIFA World Cup was a means “to announce its presence on the global space after years of isolation” and “project its leadership credentials” (Ndlovu-Gatsheni 2011:280). It is against this backdrop that the ruling ANC-led government viewed hosting the 2010 FIFA World Cup as a means to exercise soft power through hosting the biggest event in football and in the process validating “a key element of black South African culture”.¹⁷

The idea of validation encompasses the notion that the successful hosting of the 2010 FIFA World Cup challenges the dominant narrative about South Africa lacking the capability to host a mega-event. As the 2010 FIFA World Cup *Country Report* (Department of Sport and Recreation 2010:8) noted: “After years of doubts over South Africa’s readiness and its ability to ensure security, the 2010 FIFA World Cup South Africa™ will ultimately be viewed as a triumph for the country and FIFA”. Hammett’s (2011:70) study on the dominant narratives in British media concerning South Africa hosting the 2010 FIFA World Cup found that the

¹⁶ The Southern African Development Community, Private Sector. Available at <https://www.sadc.int/issues/private-sector/>, accessed 18 April 2020.

¹⁷ Jeffries, M., 2010. Yes, the World Cup is about politics. *The Guardian*, 11 June 2010. Available at <https://www.theguardian.com/commentisfree/cifamerica/2010/jun/11/world-cup-politics>, accessed 04 November 2018.

narratives changed over the course of the World Cup. Initially, before the start of the World Cup, the British media portrayed a negative view of South Africa. Hammett (2011:70) argues that this view “undoubtedly perpetuated perceptions/images of South Africa(ns) rooted in the colonial hangover: as inferior, savage, dangerous and pre-modern/under-developed”. However, Hammett (2011:70) points out that the British media changed tone during the course of the tournament. By the end of the tournament, South Africa was portrayed in a positive light and applauded for hosting a successful World Cup (Ibid). The government sold the 2010 FIFA World Cup as important to fostering national unity. The following section discusses this further.

5.2.2 The 2010 FIFA World Cup as a tool for national unity

National unity was a political narrative used to explain the importance of the 2010 FIFA World Cup. As Chapter two outlined, the fostering of national unity is associated with hosting mega-events (see Black 2007; Gratton & Preuss 2008). The rhetoric of national unity is useful especially in a highly polarised state like South Africa, marked by high levels of inequalities and tensions among the different racial groups. As the deputy minister of sport and recreation Mr Oosthuizen noted:

Never before had the country, with its entire people, rallied together and united in their support of the national football team Bafana Bafana as during this World Cup. Never before were campaigns such as Football Friday and Fly the Flag so successful in uniting the entire nation in support of our National Football team and country. (Department of Sport and Recreation 2010:7)

There has been limited research into the nature and duration of the national unity. As Heere et al. (2013:452) pointed out, the extent to which “a heightened sense of national identity provides positive (and moreover, lasting) outcomes for a nation” is not clear. There is anecdotal evidence to suggest that mega-events raise awareness of national identity, albeit that the national identity is temporary. For example, an increase in the national identity of German citizens was evident during the period of the 2006 German FIFA World Cup (see Chalip 2006; O’Brien & Chalip 2007). There is consensus that the 2010 FIFA World Cup created a sense of national unity, albeit temporal. As an expert I spoke to asserted: “during the World Cup there is no doubt that even white people were now singing black songs and all that, but it’s temporary”.¹⁸ Another

¹⁸ Interview participant, professor, Pretoria, 26 June 2017a.

reason given by the government for hosting the FIFA World Cup discussed below is economic development.

5.3 The World Cup as a tool for economic development

FIFA was founded in 1904 and has since grown into an international football organisation.¹⁹ FIFA has its headquarters in Switzerland, where it is registered as a non-profit organisation (Pieth 2011). With 211 member states, it has been described as having more members than the United Nations (UN) (Jerabek, Ferreira de Andrade & Figueroa 2017:417). In addition to its relationships with member states, FIFA enjoys diplomatic relations with international bodies such as the UN and the European Union (EU), which Giulianotti and Robertson (2012:228) argue locates “football's international governance within the elite networks of world society”.

The FIFA World Cup is a highly profitable billion-dollar enterprise as evident from its financial report. According to the 2010 FIFA *Financial Report* (2011:16) the 2010 World Cup event earned \$3 890 million in revenue, with most of this revenue accredited to the sale of television and marketing rights, which earned FIFA \$2 408 million and \$1 072 million respectively. Nunes (2014) noted that an estimated 88% of FIFA’s revenue from the FIFA World Cup event is derived from selling its intellectual property. Therefore, the protection of intellectual property is a huge priority for FIFA. At the heart of FIFA’s profitability is sponsorship. FIFA’s sponsors are referred to as partners. FIFA’s partners fall into three categories: FIFA partners, FIFA World Cup sponsors and national supporters. Nunes (2014) highlighted the different rights enjoyed by FIFA partners, including using their brand in association with FIFA during the FIFA World Cup, marketing their brand via FIFA events and publications and getting preference in buying exclusive advertising rights.

To become a FIFA sponsor requires high levels of investment, which explains why a few transnational corporations who have the financial capacity to make huge investments dominate FIFA sponsorship. The official partners for FIFA are Adidas (a transnational sportswear corporation); Coca-Cola (a transnational beverage corporation); Emirates (a large airline based in Dubai, United Arab Emirates); Hyundai (a multinational automotive manufacturing

¹⁹

FIFA.com, *1904: The year FIFA was born*, 24 May 2012. Available at <https://www.fifa.com/news/1904-the-year-fifa-was-born-1637414>, accessed 7 May 2020.

company based in South Korea); Sony (a Japanese multinational electronic conglomerate) and Visa (a global payment technology company).²⁰ In return for the sponsorship, FIFA ensures that the sponsors enjoy exclusivity protected via the Standard Cooperation Agreement. The Standard Cooperation Agreement (2017) is an agreement between FIFA and the Ministry of Sport, or the government body responsible for sport, and the football association of the host state. According to Article 1 of the Standard Cooperation Agreement, the objective of the agreement is to “determine, clarify and harmonise each party’s brief in seeking to ensure better cooperation and the partnership necessary for good governance and the optimum development of football within the bounds of the Statutes, regulations and principles of” FIFA (FIFA Standard Cooperation Agreement 2017: Art 1). According to the FIFA World Cup *Country Report* (Department of Sport and Recreation 2010) for the 2010 FIFA World Cup, FIFA had 17 requirements that South Africa was mandated to comply with through national guarantees. In other words, the South African government had to provide FIFA with a set of guarantees as a pre-requisite for hosting the 2010 FIFA World Cup. In order to give effect to these guarantees, the government had to enact special legislation as well as amend existing legislation that impeded fulfilling the FIFA requirements. National law such as the Merchandise Marks Act 17 of 1941 and the Revenue Laws Amendment Act 20 of 2006 respectively were amended to enable FIFA to protect its sponsorship agreements and revenue-generating avenues.

In the South African football industry, it was the football oligarchs that reaped huge financial benefits through the commercialisation of football, particularly during the period leading up to the 2010 FIFA World Cup. For example, the South Africa’s Premier Soccer League (PSL) sold broadcasting rights to MultiChoice Supersport for the cost of R1.6 billion in 2007 (Cornelissen 2010:134). Another lucrative deal, also signed in 2007, was a R500 million sponsorship by a South African banking group and South African Breweries to the South Africa Football Association (SAFA) and the PSL (Ibid). This deal was met with a public outcry, especially when details surfaced that SAFA and the PSL executives were paid a R50 million commission (Mail & Guardian 2007). The then Minister of Finance, Trevor Manuel, stated that the R50 million commission paid to the executive was “morally reprehensible and corrupt” as “individuals are elected onto the league’s various committees to serve the interests of the sport, not in the expectation of acquiring personal fortunes to the detriment of the organisation they

²⁰ Media Release, 2010 FIFA WORLD CUP™
<https://www.fifa.com/worldcup/news/continental-signs-again-fifa-world-cup-sponsor-until-2010-771676#undefined>, accessed 5 May 2020.

are representing.”²¹ It is against this background of economic dominance of FIFA’s partners and South African football oligarchs that the government sought to legitimate the 2010 FIFA World Cup as a means to achieve economic development. The chapter examines how the use of state resources within the context of a mega-event impacts the relationships and shapes the hybridisation process.

Although national governments justify hosting mega-events based on economic development, it is difficult to measure and evaluate the economic impacts of such events. Preuss (2011:368) points out that a closer analysis of the different, and at times contradictory, figures presented to show the economic impact of the 2010 World Cup revealed that the authors used different methodologies. Despite the rhetoric around the positive economic impact of the 2010 FIFA World Cup, the National Treasury had been warned by consultants of the negative consequence of the inevitable huge spending resulting from hosting mega-events. The consultant economists are quoted as having stated “the best we can hope for is that 2010 does not hurt the economy” (Tomlinson 2009:96). However, a senior official at the National Treasury told me:

It was an expensive undertaking but for a country like South Africa if you look at the size of this economy, I wouldn’t consider that expensive if you look in terms of affordability. The rationale could be most importantly economic competitiveness; it was one way to market the country. (Interview participant, Pretoria, 30 May 2017)

The different perspectives on whether South African can afford to host a mega-event suggest that at one level the heart of the debate is the issue of prioritisation. Although, in technical terms, South Africa had resources to channel into a mega-event, the normative question that is not the focus of this research asks: *Should the resources used for the 2010 FIFA World Cup have been channelled towards other areas such as social service delivery?*

The question about prioritisation about the 2010 FIFA World Cup emerged from the findings of empirical research conducted by Bassa and Jaggernath (2010), regarding the perceptions of residents located in a Durban suburb. Bassa and Jaggernath’s (2010:133) research revealed that 70% agreed that the 2010 FIFA World Cup would have a positive legacy. However, the respondents also expressed concern that the high levels of government spending on the World Cup would negatively affect service delivery (Ibid). The policy document issued by the

²¹ Mail & Guardian, 2007b. *Manuel says PSL deal is ‘corrupt’*, 02 October 2007. Available at <https://mg.co.za/article/2007-10-02-manuel-says-psl-deal-is-corrupt>, accessed 06 November 2018.

Government Communication and Information System (GCIS) (RSA, GCIS 2008:7) stated: “The hosting of 2010 will be a catalyst for faster economic growth and the achievement of development goals”. However, this statement is inaccurate and fails to identify the realities of what the World Cup can and cannot achieve. As Pillay and Bass (2008:343) have highlighted, the 2010 World Cup could not solve “South Africa’s urban ‘ills’”. The World Cup “would create jobs, but not solve unemployment problems; ... it would improve the public transport system, but not solve the public transport problem; ... it would help accelerate service delivery in some of the urban townships, but only marginally” (Pillay Bass 2008:343). Indeed, the employment benefits of hosting a FIFA World Cup proved exaggerated. On one hand, the event generated significant employment, especially in construction-related work for building and upgrading the football stadiums and other infrastructural development programmes. However, because of the nature of the work, the employment was temporary and did not address the structural challenges that affect unemployment in the country. On the other hand, the 2010 FIFA World Cup had an adverse effect on the informal economy. According to Steinbrink et al. (2011:23) in 2009, it is estimated that over 200 informal traders were removed from the surrounding areas near the Ellis Park Stadium for the government to comply with the FIFA requirements. Even informal stalls providing food for construction workers building the stadiums were not allowed (Ibid). Only FIFA-licensed traders were permitted to operate in the areas surrounding the football stadiums.

Related to economic development, an important state narrative about a benefit of hosting the 2010 FIFA World Cup was that it was an invaluable opportunity to promote the national brand and display the best of South Africa, boosting the tourism industry.²² Van der Zee and Go (2013:178–180) conducted empirical research (using a small sample of Dutch visitors who had visited South Africa for the 2010 FIFA World Cup) that revealed that the visitors’ perception of South Africa had been influenced positively and 90% would recommend South Africa as a holiday destination to friends and family. Drawing from Van der Zee and Go’s (2013) study, one could infer that the 2010 FIFA World Cup was able to fulfil the objective of changing the image of the country to boost tourism. However, a closer analysis of the impact of the 2010 FIFA World Cup as a way to promote the tourism industry reveals that it is a complex relationship. As a former government official stated on the impact of the World Cup on tourism:

²² This is a common justification used by states for hosting the FIFA World Cup. Research in Qatar revealed that Qatar authorities’ bid to host the 2022 FIFA World Cup was motivated by the aim to promote the Qatar brand and increase tourism and trade: “soft power strategy via sport diplomacy” (Grix & Brannagan 2016:264)

“first and foremost let me be honest with you; our expectations in terms of numbers were not really met”.²³ There is a consensus that the forecasted number of visitors did not materialise and several reasons to explain the discrepancy have been put forward. The main factor was that South Africa is a long-haul destination for most European football fans (see Du Plessis & Maennig 2011:355; Bob & Potgieter 2013). Bob and Potgieter (2013:7) pointed out that the 2010 FIFA World Cup was held in the aftermath of the 2008 financial crisis, and the global recession made an impact on the number of visitors who could afford to travel to South Africa. Steyn, et al. (2009) asserted that the perception of South Africa as unsafe with high levels of crime also contributed to the low numbers of visitors. Furthermore, Du Plessis and Maenning (2011) argued that the optimistic figures by the government of high tourist numbers coming to South Africa because of the World Cup did not assist the tourism sector. In fact, these figures did a disservice to the tourism industry because they resulted in the industry becoming overly confident “as reflected in its pricing behaviour” (Du Plessis & Maenning 2011:360). The high prices contributed to the low levels of visitors as it became expensive to visit South Africa; for example, the average price for flights during the World Cup period was three times higher than usual (Ibid:360–362). Despite the challenges outlined above, states tend to promote mega-events such as the FIFA World Cup on the basis of achieving economic development. One of the reasons for states commitment to mega-events is that it is an important way of exercising soft power. To host a successful 2010 FIFA World Cup the South African government exercised authority in determining the distribution of resources, shedding light on power dynamics in hybrid governance structures.

The last two sections have outlined strategies used by the South African government to gain support and legitimate hosting the 2010 FIFA World Cup. Below I discuss several examples showing how practices to implement the primary state objectives of hosting a successful FIFA World Cup determined use and distribution of resources, in a way contradictory to other state policies evident in the strategies outlined above.

²³ Interview participant, CEO of development consultancy, Johannesburg, 31 May 2017.

5.4. The politicking surrounding the construction of the Green Point stadium

The building of the Green Point stadium in Cape Town was marked by controversy and highlighted the tensions between FIFA, the South African government, the City of Cape Town and the residents of Green Point. Green Point is an affluent area in the City of Cape Town and its residents opposed building a football stadium in Green Point because of concerns about the environment. According to the 2007 *Strategic Planning Report* of the Provincial Government of the Western Cape and the City of Cape Town (CTSP), the City of Cape Town had initially proposed the Newlands Rugby Stadium as the venue to host the 2010 FIFA World Cup matches. However, according to the CTSP (2007:7) report, in a joint Provincial Cabinet and City of Cape Town Management Committee meeting held on the 5th of September 2005, a decision was made that hosting the football “games at Athlone would bring more developmental benefits to the city”. Alegi (2007:319) states that the City supported the change of venue to Athlone based on the need to address the “apartheid legacy in sports: the woefully inadequate provision of sporting facilities in black communities and football’s resulting dependency on rugby grounds for marquee matches”. Athlone is a historically disadvantaged area, while Newlands is an upmarket suburb; therefore, investing in the upgrading of Athlone Stadium would be an effective way of contributing to the development of the area. However, FIFA delegates rejected the Athlone proposal. On a site visit to the Athlone Stadium in 2005, one delegate is alleged to have stated that “[a] billion television viewers don’t want to see shacks and poverty on this scale”.²⁴ Furthermore, the FIFA delegation noted that Cape Town was underselling itself by proposing Green Point as a training venue instead of a semi-final site “as it was the prime location to profile South Africa and the African continent through the world’s biggest football event” (CTSP 2007:7). In contrast to the Athlone backdrop, the Green Point Stadium would be “nestled between the majestic backdrop of Table Mountain to the south and Robben Island in Table Bay to the north [which] would provide a magnificent televisual image of the city to billions of viewers” (Alegi 2008:402). It was after the site visit that the national government changed its view about the suitability of the Athlone Stadium. The local organising committee (LOC) responsible for the 2010 FIFA World Cup bid endorsed and supported the Green Point Stadium.

²⁴ Mail & Guardian, 2007a. *Green Point gamble*. Available at <https://mg.co.za/article/2007-01-12-green-point-gamble>, accessed 06 November 2018.

The LOC told the City that

should they want the honour and benefit from the considerable advantages of hosting a semi-final, which would attract well over a billion TV spectators as well as thousands of international fans and their families, not to mention all the lead-up events, product launches, possible FIFA congress and high profile other events, they should consider expanding the Green Point Stadium. (CTSP 2007:8)

5.4.1 Mega-events projects fail to benefit all segments of society

Not only did the 2010 FIFA World Cup fail to benefit ordinary citizens, but some of its legacy projects entrench existing societal inequalities. In the hospitality field, opportunities for small–medium businesses to benefit from the FIFA World Cup were limited because of some questionable FIFA-endorsed practices. As Darkey and Horn (2009:89) notes the Bed & Breakfast (B&B) establishments were not able to get as much business as was initially anticipated because of the high standards demanded by FIFA. The activities of the official FIFA World Cup accommodation provider, Match Events, worked to the disadvantage of local businesses. Match Events Services (Pty) Ltd is a subsidiary of Match Hospitality, which is FIFA approved to provide hospitality packages during the FIFA World Cup. Although the ownership structure of Match Hospitality is undisclosed, research by Rose (2010:100) revealed that one of the confirmed shareholders is Infront Sports & Media, an international sports marketing company. The CEO of Infront Sports & Media is Philippe Blatter, the nephew of the embattled former FIFA president, Sepp Blatter, who resigned from FIFA in 2015 amidst allegations of bribery, corruption and money laundering. Match Events Services (Pty) Ltd makes a profit by block booking rooms and putting a 30% mark-up on the amount it pays the guest houses and hotel chains. This mark-up is described “as a ‘sales margin’” (Rose 2010:104). The next section argues that the FIFA-related projects into which the South African government invested resources to host a successful football World Cup arguably has benefited the advantaged members of society. Although, this is not the main focus of the chapter, it is worth mentioning because it shows that although state policies are meant to benefit all citizens, because of societal power dynamics at play, the state policies might reinforce the unequal power structures in a society. This suggests that allocation of resources in hybrid governance structures reveals the different power dynamics at play. This point is examined further in the discussion section of the chapter.

Pillay and Bass (2008:331) state mega-events are:

‘spectacles’ that can best be understood as either instruments of hegemonic power or displays of urban ‘boosterism’ by economic elites wed to a particularly narrow-minded pro-growth vision of the city. As such, these events are often seen as no more than public relations ventures far removed from the realities of urban problems and challenges.

As Allen et al. (2013:2002) notes, the huge costs of hosting the 2010 FIFA World Cup stadiums had a negative impact on the budgets of some of the host cities; the municipality of Port Elizabeth experienced a budget shortfall, which had a severe impact on service delivery. By the end of the 2010 World Cup, Mbombela municipality was bankrupt and had to get “a R200 million loan from the Development Bank of South Africa to ‘keep afloat after the tournament’” (McKinley 2011:305). As the embattled Matsafeni leader from Mbombela stated:

We live in poverty right next to a stadium that cost R1-billion ... We fought for this land to be ours, and then they built their fancy stadium and let us watch them have clean water inside it and enjoy the comfort just next to us, while we are sitting under trees with our mud houses falling apart ... Until today nothing has changed. (Kenneth Mkhonto, quoted in McKinley 2011:305)

Similarly, a R20 billion railway project, the Gautrain project that linked Pretoria and the OR Tambo International Airport in Johannesburg, using a route that passes through the affluent business district of Sandton is an example of a 2010 World Cup legacy project that does not benefit the majority of South Africans. The market for the Gautrain is mostly the middle-class professionals, as the poor and working classes are excluded and lack access to the Gautrain because it is not affordable to them. Furthermore, the Gautrain stations are connected to affluent suburbs outside the township routes where most of the lower-earning South Africans reside. Many township residents commute to work using the ageing Metrorail services, which are poorly serviced and inefficient. An estimated 2.2 million people use the Metrorail daily²⁵ in contrast to the number of Gautrain users, amounting to approximately 55 000 passengers daily.²⁶ It is against this backdrop that the eventual budget of R20 billion for the Gautrain project (Parliamentary Monitoring Group 2005) has been described as a visual symbol that “perpetuate[s] South African inequality”.²⁷ In other words, the considerable low levels of

²⁵ Metrorail. Available at <http://www.metrorail.co.za/HistoryMore3.html>, accessed 04 November 2018.

²⁶ Gautrain. 2018. Available at <https://www.businesslive.co.za/redzone/pages/2018-01-15-gautrain-management-agency-gma/>, accessed 05 November 2018.

²⁷ Ogude, H., & Le Roux, L. *Gautrain and Metrorail perpetuate South African inequalities*. 29 July 2013. Available at <https://www.urbanafrika.net/urban-voices/gautrain-and-metrorail-perpetuate-south-african-inequalities/>, accessed 05 November 2018.

Gautrain passengers in comparison to its high construction costs have led to the Gautrain being described as “an elitist project” (Van Der Westhuizen 2007:349). The next section analyses how the state strategies and the actual practices by both the state and non-state actors to implement state policy shed light on the hybridisation process.

5.5 Discussion: the exercise of soft power and contradictory state policies: resource distribution at the centre of hybridisation

Albrecht (2017:569) argues that “heterogenisation may occur in hybridisation, a relentless process that runs to the very core of how authority is manifested in the pursuit of resources”. Baker (2013:300) points out that hybridity is manifested through relational ties based on “transactions (transfers of resources) or interactions (relationships between personnel) and are repeatedly negotiated and revised” (see Baker 2011). This chapter argues that the argument put forward by Albrecht (2017) and Baker (2013) that negotiated heterogenisation occurring in hybridisation that has implications for accessing resources is not evident in the research finding. This is because an examination of actual practices and implementation of state policies reveals that access to resources was determined by the primary state objective of hosting a successful FIFA World. This contributes to hybridity literature by revealing that in a specific hybrid setting with heterogeneous policy objectives, ultimately implementation of policy is determined by the actor with resources who distributes them in a way that furthers their primary interest/objective despite paying lip service to the different interests of other actors in the hybrid governance structure.

The rationale of hosting the 2010 FIFA World Cup was exercising soft power through displaying the ability of the South African state to host a prestigious mega-event in order to counteract prevailing negative stereotypes and narratives of Africa and South Africa. The anthropologist Clifford Geertz’ (1980) study of Bali in the nineteenth century revealed a theatre state where court life was characterised by rituals, elaborate ceremonies and symbolism. Rituals “were not means to political ends: they were the ends themselves, they were what the state was for” (Geertz 1980:15). According to Geertz (1980:136) “dramas of the theatre state, mimetic of themselves, were, in the end, neither illusions nor lies, neither sleight of hand nor make-believe. They were what there was”. In other words, the drama of the theatre state is not an

illusion but the exercise of power by the state. Drawing from Geertz's conceptualisation of theatre state, I argue that no expense was spared towards the South African government's diplomatic efforts to stage an elaborate 2010 FIFA World Cup that involved building five brand new stadiums costing billions of Rands. In other words, the successful implementation of the 2010 World Cup held huge symbolic value that had implications on the legitimacy, political capital, and stature of the South African state on the international stage. Responding to the question of whether the 2010 FIFA World Cup was a success, an expert I interviewed noted: "At a technical level it was a very high success, very few incidences of inefficiency, crime and all that, that's one. At a symbolic level, it was a huge success".²⁸ To gain legitimacy to host the FIFA World Cup, the South African government utilised the narrative of the African World Cup. Couched in African Renaissance rhetoric, the government's message was that Africa's time had come to reveal its capabilities. This powerful imaginary of the African Renaissance was challenged by the xenophobic attacks on African immigrants before and after the event.

As captured by the concept of hybridity, a diversity of actors with homogeneous and heterogeneous interests are involved in the successful implementation of mega-events. As such it can be argued that relations between different actors and access to resources during hybridisation is characterised by heterogenisation, as alluded to by Albrecht (2017) and Baker (2013). However, this dissertation reveals that resources went to actors that enabled the South Africa government to host the 2010 FIFA World Cup. An important actor for a country seeking to host the FIFA World Cup is FIFA. As discussed earlier in the chapter, prior to granting a member state the right to host a FIFA World Cup, FIFA requires extensive legal protection to secure the financial benefits of its sponsors and partners. I argue that the fact that the South African government was prepared to enact national laws to fulfil FIFA's requirements to secure the financial interests of FIFA and its sponsors/partners was because it had no choice if it wanted to win the bid to host the 2010 FIFA World Cup. Therefore, despite the government stating that the 2010 FIFA World Cup would be an impetus for economic development, the result of signing the Standard Cooperation Agreement was that mostly FIFA's commercial partners would financially benefit. A case in point discussed earlier in the chapter is the business activity of a FIFA partner, Match Events Services (Pty) Ltd. In fact, making the best impression on FIFA was the main priority for the government, overriding other policy objectives as evidenced by the politicking around building the Green Point stadium. Initially,

²⁸ Interview participant, professor, Pretoria, 26 June 2017a.

the City of Cape Town with the backing of the national government had sought to upgrade a stadium in an underdeveloped suburb of Cape Town. However, at FIFA's recommendation, the City of Cape Town changed its strategies under the direction of national government and approved the building of the stadium in Green Point. Therefore, although, the initial policy objective was to facilitate economic development through the 2010 FIFA World Cup, this objective was superseded by FIFA. An explanation for this change of policy is that the government was not leaving anything up to chance in its bid to win the right to host the 2010 FIFA World Cup. Meaning that, when faced with two competing policy objectives, there was no need for negotiations, the deciding factor was which policy would lead to a successful bid to host the 2010 FIFA World Cup. In other words, channelling resources to affluent Green Point instead of underdeveloped Athlone was a national government decision based on the need to ensure a successful bid to host the 2010 FIFA World Cup.

Critical hybridity acknowledges the realities of inequalities to the understanding of power dynamics in hybrid structures. An important criticism of mega-events discussed in Chapter two, is that the events mostly serve the interests of local communities (see Hiller 2000; Coakley & Souza 2013). In fact, some of the infrastructural development programmes from the 2010 FIFA World Cup exacerbated and reinforced the societal inequalities "within South Africa, as areas with developed infrastructure received further investment at the expense of areas that remain underdeveloped and marginalised" (Schausteck de Almeida et al. 2015:276). An example of such an infrastructural development programme was the expensive Gautrain project aimed at servicing affluent suburbs around Gauteng that is not accessible to most South Africans, who use the dilapidated national railway system. The fact that at the end of the 2010 FIFA World Cup some municipalities in the country were bankrupt and struggling to give service delivery further strengthens my argument. For the South African government, exercising soft power through hosting the FIFA World Cup was an end in itself that determined allocation of resources, albeit an element of misuse of resources might have contributed to bankruptcy of the municipalities. Barnes (2011:106) articulated the point I have been making in this chapter that :

"FIFA swirled like a vortex through South Africa, sucking all attention and cash unto itself. This was carefully planned and meticulously enforced ... if it didn't make money or noise for FIFA, it wasn't allowed ... Meanwhile, South African taxpayers spent billions of dollars on infrastructural improvements and the beautiful new stadiums which are now sitting empty."

5.6 Conclusion

This chapter argues that contradictions between state policies and strategies are revealed by examining the practices and implementation of state policies connected to infrastructural development plans for the 2010 FIFA World Cup and the business activities of FIFA business partners. The chapter shows that the South African government employed different strategies to fulfil its objective of hosting the FIFA World Cup ranging from selling the event as a tool for economic development and using rhetoric of the ‘African’ World Cup to gain public support. However, the symbolism of the 2010 FIFA World Cup being an African event, showcasing that Africans are capable of hosting a prestigious mega-event, was undermined by xenophobic attacks on African immigrants during periods surrounding the 2010 FIFA World Cup. Similarly, government narratives that the World Cup would serve as an impetus for economic development proved to be inaccurate because it was FIFA and its commercial partners who were the main beneficiaries of the World Cup. Nonetheless, the chapter reveals that the South African government’s funding of the 2010 FIFA World Cup was fully invested in the process of hosting a successful FIFA World Cup because it was an important exercise in soft power. Therefore, the contradictions between state policies and strategies and the actual implementation of state policies by both state actors and non-state actors reveals that access and distribution of resources was determined by the primary objective of firstly winning the bid to hosting the 2010 FIFA World Cup and secondly, successfully hosting the 2010 FIFA World Cup.

The analysis provided in this chapter provides important insights into the relationship between FIFA and the hosting states that is characterised in literature as biased towards the interests of FIFA and its corporate partners. Although the relationship between FIFA and host states has its shortcomings, the fact that host states are prepared to undergo an extensive bidding process to win the right to host the FIFA World Cup suggest that the states view the relationship as beneficial.

The contribution to hybridity literature made by this chapter is to highlight that access to resources is not necessarily a result of negotiations, as heterogenisation occurs during the process of hybridisation, because in certain circumstances the objectives and interests of the

main actor responsible for determining how the resources are utilised supersede heterogeneous interests. The next chapter examines the relationship between heterogenisation and homogenisation in the hybridisation process.

CHAPTER 6: STATE POLICIES SHAPING THE RELATIONSHIP BETWEEN THE STATE AND THE CONSTRUCTION INDUSTRY DURING HYBRIDISATION

6.1 Introduction

Mega-events are complex and expensive undertakings that require a myriad of state and non-state actors working together to plan and implement the event. This chapter focuses on another aspect of the FIFA World Cup: the construction industry, which plays a key role in building the physical infrastructure needed to host a FIFA World Cup. The point of departure for this dissertation is that the relationship between the state and the construction industry is articulated by the concept of hybridity, and the workings of hybridity are best captured as an evolving process of hybridisation. The chapter seeks to answer the research question: *How did state policies shape relations between the state and the construction industry during the process of hybridisation?*

The chapter is divided into five sections. In order to contextualise how state policies shaped relations between the government and the construction industry, the first section provides the historical background of the relationship between the South African government and the construction industry. The chapter discusses one of the main government policies in a bid to transform the construction industry, the BEE policies. The second section provides an analysis of the implementation of BEE policies in the construction industry. As discussed in earlier chapters, the dissertation uses the concept of corruption to gain understanding into the process of hybridisation. Therefore, the third section explores practices of corruption in the implementation of BEE policies in the construction industry. The fourth section discusses two points: first, who was the primary driver of hybridity in the relationship between the state and the construction industry and secondly, how did the contradictions that characterised the relationship between the state and the construction industry in the fulfilment of state policies shape hybridisation? The fifth section concludes the chapter.

6.2 The background to the South African construction industry

According to a research paper by the World Bank, the construction industry is a key sector in the global economy with an estimated net worth of around \$1.7 trillion (Kenny 2007). The construction industry is estimated to make up an average of 5–7% of the Gross Domestic Product of most countries (Ibid 2007:1). Construction has a central role in the development of a country through building infrastructure and creation of employment. Foster and Briceño-Garmendia (2010) point out that infrastructure development has been linked to economic growth and human development. The construction industry in South Africa is divided into two main sectors: civil engineering and the building sector. The building sector is responsible for building new structures and making renovations to existing structures, while civil engineering involves the design and construction of buildings and infrastructure projects such as dams and bridges. The South African construction industry receives most of its work from the public sector (Windapo & Cattell 2013:75). The government's infrastructure development programme has been key to the growth and development of the sector (Cottle 2014b). A report by PwC (2016:7) stated that the period during 2014/2015, the South African construction industry received public contracts that were worth an estimated R157 billion. This is more than half the government budget for the public sector, which amounted to R258 billion (Ibid). The government, through its spending powers, has sought to implement policies that address the structural challenges in the construction industry. As highlighted in Chapter four, the economy under apartheid rule was supported by protectionist policies and extensive state regulation. The result of these policies was a highly concentrated economy with big, state-supported companies that dominated the various key industries. The next section explores the historical background to the policy changes within the construction industry.

6.2.1 The construction industry before and post-1994: state investment in large-scale infrastructure projects as the game changer?

The South African construction industry underwent a transformation during the period of political unrest from the mid-1970s to the early 1990s. The apartheid government constrained the growth and profitability of the construction industry because the sanctions levelled against it by the international community had a negative impact on the industry. In other words, the South African construction industry went through a period of economic decline from the mid-1970s until 1994. The result was that by the mid-1980s, the construction industry was

unprofitable. In order to address the challenges in the construction industry, the industry leadership sought alternative and new avenues of finding work. One such avenue of securing work was a shift in policy by the industry in the late 1980s; the South African construction industry placed emphasis on the need to provide adequate housing in townships (Cottle 2014a). This was arguably a strategic policy position. Cottle (2014a) argues that this shift within the construction industry was because the industry realised that apartheid rule was coming to an end and “[t]his was a new way of capturing and promoting capital accumulation in a country where infrastructure was highly racialised and inequitable” (Cottle 2014a:21; see Mathonsi & Thwala 2012). Therefore, the construction industry shifted “focus from a predominantly first-world oriented construction environment to a developing-world construction environment that focuses on the basic needs of the population and its economic circumstance” (Mathonsi & Thwala 2012:3584). Indeed, this shift in policy enabled the construction industry to form a beneficial working relationship with the new ANC-led government when the country transitioned to democratic rule in 1994. The new government prioritised social infrastructure in order to benefit groups excluded under apartheid rule.

The Green paper, titled *Creating an enabling environment for reconstruction, growth and development in the construction industry*, Notice 89 of 1998 (No. 18615) noted that the government has a role to play in addressing the structural challenges in the South African construction industry associated with the decline of demand in the previous decades (Department of Public Works 1998). Cottle (2014a) notes that the ANC-led government was important for the revival of the South African construction industry. He pointed out that a series of policies such as the RDP and the establishment of the Construction Industry Development Board (CIDB) facilitated the growth and profitability of the industry. The CIDB was established by the Construction Industry Development Board Act 38 of 2000. This Act mandated the CIDB “to implement an integrated strategy for the reconstruction, growth and development of the construction industry”. The preamble to the CIDB Act 38 of 2000 reiterates that the post-apartheid government seeks to create a construction industry “that promotes stability, fosters economic growth and international competitiveness, creates sustainable employment and addresses historic imbalances”. The CIDB is part of the Department of Public Works. The Minister of the Department of Public Works appoints the board members of the CIDB responsible for providing leadership to fulfil the mandate of the CIDB. The CIDB board reports to the Minister of Public Works.

The RDP (ANC 1994: para 2.3.8) was the identified government policy to implement a public works programme that “coordinate with and link to other job creation and labour-intensive construction initiatives” in the early years of democratic rule in South Africa. The RDP (ANC 1994: para 2.3.9) sought to “give priority to job creation and training, target the most marginalised sectors of society, and where possible encourage and support self-employment through small and medium enterprise creation to ensure sustainability of skills”. Furthermore, under the RDP (ANC 1994: para 2.3.5), the public works programme was linked to “building the economy and meeting basic needs in redressing apartheid-created infrastructural disparities”. The ambitious RDP sought to use the public works programme as a platform to redress not only physical infrastructure but also the socio-economic structures entrenched during apartheid rule. Therefore, because of the RDP’s mandate to build a more equitable society through investing in needed infrastructure, the state essentially “became the construction sector’s biggest single client” (Cottle 2014b:139). The change in policy direction from RDP in 1994 to GEAR in 1996 outlined in Chapter four did not change government policy on infrastructure development. The government not only played a key role in both the growth and profitability of the construction industry but also put in place BEE policies to redress the historical imbalances in the South African construction industry dominated by a few large firms. The next section explores the BEE policies further.

6.3 The implementation of BEE in the construction industry

During the transition from apartheid to democratic rule, the ANC-led government and the business community were under pressure to redress economic inequalities that had marked the apartheid system. The post-apartheid government has attempted to leverage its spending powers to transform the construction industry through the implementation of BEE policy. Adherence to BEE policies is a key requirement for eligibility for public contracts. Before I discuss the effectiveness of BEE policy, it is important to outline the grading system of the South African construction industry as it influences the effectiveness of BEE policies.

6.3.1 The grading system in the South African construction industry and the implementation of BEE policies

The South African construction industry is divided into nine grades, which categorise firms according to their financial capacity (see Table 6.1 below).

Table 6.1: Grading of the South African construction industry

Grade	Tender Value Limit
1	R 200 000
2	R 650 000
3	R 2 000 000
4	R 4 000 000
5	R 6 500 000
6	R 13 000 000
7	R 40 000 000
8	R 130 000 000
9	Greater than R 130 000 000

Source: Construction Industry Development Board Annual Report 2015/2016 (2016:20)

Table 6.2: Contractors in the construction industry

Grade	CLASS OF WORK						Total	% Black Owned	% Women Owned	% Youth Owned
	CE	EB	EP	GB	ME	SW				
1	29560	1910	6823	62202	6688	25082	132265	95.84	32.24	29.77
2	1729	175	203	2409	305	767	5588	93.84	35.78	26.92
3	1007	69	130	669	138	251	2264	91.72	35.34	26.09
4	1036	131	262	935	215	230	2809	84.06	31.79	18.50
5	689	104	190	575	142	168	1868	80.42	29.78	14.85
6	820	69	213	694	153	129	2078	75.06	29.98	10.12
7	484	49	108	385	73	77	1176	66.79	25.91	8.54
8	175	9	39	146	39	30	438	51.98	23.51	3.96
9	83	3	25	46	33	14	204	23.88	16.42	3.98
Total	35583	2519	7993	68061	7786	26748	148690	94.56	32.25	28.69

Note: Contractors may be registered in multiple classes of work

CE – Civil, **EB/EP** – Electrical, **GB** – Building, **ME** – Mechanical, **SW** – Specialist class of works; Ownership >= 50%, Youth Owned < 35 Yrs Old

Source: Construction Industry Development Board Annual Report 2015/2016 (2016:19)

The data in Table 6.2 above show a substantial discrepancy between black-owned companies that dominate the lower grades of one to three with ownership percentages averaging approximately 93.8%. The highest grade, grade nine, shows a low percentage level of black ownership at 23.88%.

Table 6.3: Values of public sector awards in the construction industry

Project Grade	No of Contractors on Register				Public Sector Awards by Value	
	General Building	Civil Engineering	Total No of Contractors	Percentage	General Building	Civil Engineering
9	40	50	90	1%	32%	52%
7 & 8	279	310	589	6.4%	52%	36%
5 & 6	1033	1173	2206	23.8%	12%	9%
2 to 4	3501	2853	6354	68.8%	5%	4%
Total	4853	4386	9239	100%	100%	100%

Source: Windapo & Cattell (2011:ii).

The data in Table 6.3 reveals that 84% of public sector contracts are awarded to the general building sector's contractors in Grades 7, 8 and 9; and civil engineering sector contractors in the same grade bracket get 88% of public sector contracts. This means that the most valuable contracts in the public sector are awarded to large contractors. This characteristic of the construction industry undermines government BEE policies towards advancing companies from Historically Disadvantaged Individual (HDI) groups. The 2001 Preferential Procurement Regulations (RSA 2001) defined an HDI as

a South African citizen who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act 110 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993); and/or who is a female; and/or who has a disability, provided that a person who obtained South African citizenship on or after the coming into effect of the interim Constitution, is deemed not to be an HDI.

BEE policies are undermined by the nature of the public contracts that are often large-scale projects of high value “which cannot be sub-divided, and which often require a high level of business management and technical capability, as well as financial solvency, which skills are more frequently found amongst large-scale contractors” (Wandapo & Cattell 2011:ii). Large scale projects cannot be sub-divided to be given to smaller contractors in Grade 6 and lower. Furthermore, contractors in Grade 6 and lower find it difficult to meet the onerous compliance

requirements needed to tender for public contracts.²⁹ The findings from interviews with experts revealed that black-owned SMMEs lack the capacity to work on huge infrastructure development projects. Some of the capacity challenges include lack of relevant experience. The mechanical engineer I interviewed informed me:

The only thing that I might want to put out across is that, yes you might find that you have certain tenders that look at jobs and they give a prequalification of certain number of years of experience of an institute, which still today when you look at the BEE policy you might find even the lifespan of the BEE policy does not even qualify within that policy framework of that whole thing.³⁰

The challenges surrounding access to finance was highlighted during the interviews as being particularly challenging for black-owned SMMEs in the construction industry. An owner of a small construction firm told me:

construction is a money game and you find that the black contractors do not have the money so the white contractor will come to the black contractor who has no money and will call the shots. He will pull the strings cos he will come in with the capital, the know how, and will give the black contractor terms.³¹

Table 6.3 (above) highlights that over 80% of the government's infrastructure budget is on projects worth over R130 million and contractors in Grade 7 and larger are eligible to tender for these projects. These figures show that contractors in Grade 6 and lower access less than 20% of the overall government infrastructure budget. This means that the large construction companies are the main beneficiaries of large-scale government infrastructure development projects. Similarly, as Table 6.4 below reveals, the large construction companies made massive profits from the increase in work resulting from South Africa's hosting of the 2010 FIFA World Cup. Building and Wood Workers International (2010) calculated the profits made by the construction companies during the period of preparing for the 2010 FIFA World Cup (see Table 6.4).

²⁹ Interview participant, CEO of development consultancy, Johannesburg, 31 May 2017.

³⁰ Interview participant, engineer, Pretoria, 9 June 2017.

³¹ Interview participant, owner of a SMME construction firm, Johannesburg, 20 June 2017.

Table 6.4: Profits made by top construction firms

Company Name	PBT 2007 ZAR' millions	PBT 2008 ZAR' millions	% Increase
Aveng	7953	3321	-58%
Basil Read	164	296	80%
Cashbuild	192	245	28%
Group Five	373	666	79%
Murray & Roberts	1284	2558	99%
Pretoria Portland Cement Company	2194	2266	3%
WBHO	446	1081	142%

Source: Building and Wood Workers International (2010:9)

6.3.2 BEE policy, a compromise to the elite business class?

The adoption of the BEE policies has been controversial, with challenges pertaining to nepotism, clientelism, and corruption. Corruption in the implementation of BEE policies is evident in both the private and public sectors. Corruption in the public sector derives from the misuse of the requirement to consider BEE policies in making decisions to allocate government contracts. According to Heywood (2013) corruption in the public procurement system tendering processes has been estimated to cost the government between R25 billion and R30 billion annually. Furthermore, Ofori (2012b) notes that public procurement corruption can lead to skewed public investment policies, as spending is determined by personal interests as opposed to the public interest. Corruption in public sector contracts is particularly egregious because the public pays the bills and the state is deprived of finances that could potentially be channelled into public services. As Corruption Watch (2013) highlighted, in South Africa the most disadvantaged members of society rely on public services and cannot afford to seek alternative private services, thus, this group is disproportionately impacted by public sector corruption.

Corruption in the BEE policy implementation in the private sector has been characterised by political elites acquiring a stake in ownership in previously white-dominated industries. It has been argued that the BEE policies are a result of negotiations between ANC political elites and the business community to have “a non-racial state structured on liberal democratic principles that would reinforce their elite status” (Beall et al. 2005:684). Moletsi Mbeki (2009) is among a group of scholars who argue that BEE policy was a political compromise agreement between

the ANC elites and white dominated capital. For Boraine (2014) the agreement is comparable to the 1950s deal between the National Party and Anglo America, when the National Party had threatened to nationalise the mines and Anglo America responded by giving the General Mining Corporation to Gencore, the Afrikaner mining company. The economist Stephen Gelb (2005:369) who was instrumental in developing ANC's economic policies in the mid-1990s described the relationship between ANC and the business as being underpinned by an "implicit bargain" which consisted of the "ANC committing to macroeconomic stability and international openness, and business agreeing to participate in 'capital reform' to modify the racial structure of asset ownership, which would come to be called 'black economic empowerment'". This relationship is built around mutual interests that require both parties to make concessions in a fluid manner. In the South African context, it is evident that political and business actors share mutual interests that make it possible for the state to successfully co-opt the business sector to support a seemingly populist policy. Building on this section that has highlighted the important role of the top construction firms in implementing government infrastructure development projects, the next section examines the practices of the top construction firms in implementing state policies.

6.4 Corruption in the South African Construction Industry

Transparency International (2005) has noted that the construction industry is particularly vulnerable to corruption. The South African construction industry is extremely competitive; the intense competition combined by the cyclical nature of the industry facilitates an environment of high levels of corruption. Oyewobi et al. (2014) and Joubert et al. (2005) put forward several factors that explain the competitive nature of the industry. First, the entry of foreign-owned construction companies increased competition in the industry. Second, the implementation of BEE policies resulted in the proliferation of construction companies created by groups that were previously excluded from participating in the industry. Third, the use of third parties much as agents and subcontractors is a key factor for the prevalence of corruption in the industry. Research conducted by Ernst & Young (2012:3) found that the common use of joint ventures in some jurisdictions with local partners needed to fulfil legal requirements facilitated corruption. The process of acquiring necessary documentation to start construction work can be lengthy and vulnerable to abuse (Ibid). Lastly, the large-scale nature of the contracts can make the decision makers vulnerable to corruption (Ibid). As Goldstock (1990:102) noted: "[g]iven the extent to which developers and builders are dependent upon

political and legal ‘inputs’ to get their projects approved, started and completed, it is hardly surprising to find that developers and contractors are large contributors to political campaigns”.

A study by Bowen et al. (2007) into ethical behaviour in the South African construction industry show that actors at different levels in the industry engage in questionable practices. First, the construction industry professionals believed that clients made unreasonable demands in relation to saving on projects and project fees, which led to poor practices and unprofessional behaviour (Ibid 2007:639). Second, contractors commonly engaged in inflating prices of material as well as using cheap material that compromised the quality of the finished work to cut costs. Third, the relationship between contractors and subcontractors was revealed to be unequal with contractors taking advantage of subcontractors by either failing to pay subcontractors or giving subcontractors late incomplete payments (Ibid). Corruption has far-reaching effects that have an impact on wider societal levels: for example, cutting corners to save on costs can result in sub-standard work that may result in the eventual collapse of the building, resulting in loss of lives (see Chandrashekhhar 2009:113; Bowen et al. 2012:886). Furthermore, as noted by Bowen et al. (2012:886) corruption in public sector contracts results in inflated costs that are passed on to citizens and the government will have less money available to spend on service delivery in the public sector. The result is that public sector corruption can lead to skewed public investment policies as spending is determined by personal interests as opposed to the public interest. The next section discusses the role of corruption in the implementation of the BEE policies in the construction industry. As already outlined in previous chapters, corruption has an important role in shaping relations within hybrid governance structures, therefore, examining how it is used to implement BEE policies enables me to answer the research question of the dissertation.

6.4.1 Corruption and implementing BEE policies in the construction industry

There are different types of corrupt practices in implementing BEE policies and a prevalent practice is fronting. Fronting occurs when a company fraudulently misrepresents itself as being under the management or ownership of individuals defined by law as HDI and eligible to fulfil BEE criteria. Bowen et al. (2012:898) asserted that fronting is the use of sham companies and fraudulently classifying personnel as compliant with BEE. For the purposes of this chapter, I focus on corruption that occurred ahead of the 2010 FIFA World Cup shaping relationships between the state and the top firms in the construction industry. The lucrative infrastructural

development contracts stemming from hosting a mega-event such as the 2010 FIFA World Cup presented increased opportunities for public and private sector actors to engage in tender corruption. Statements from the interview participants reveal the pervasive nature of corruption in the construction industry. A national union coordinator told me “within the construction industry corruption is forever *sisiwami*. It’s forever, it’s a nonstop, especially when you go to the tendering”.³² Similarly, a development consultant stated that

there is no tender or construct that goes out of the public sector that an official in any of the government departments doesn’t have an interest in. The bigger the more so. All the contracts that come out of the public sector are basically rigged one way or another. There is no innocent tender that goes out. So that’s my view and that’s my experience from what I have seen even us as participating.³³

Awarding of contracts to build the 2010 FIFA World Cup stadiums was characterised by corruption and conflicts of interest with politically connected BEE companies getting lucrative deals as partners of the top construction firms. For example, the tender to build the Nelson Mandela Bay Stadium was highly controversial and highlighted a key challenge facing the implementation of BEE policies. Investigations by Botha and Ntsaluba (2010:54) revealed that the tender contract went to a joint venture partnership between Grinaker-LTA and Interbeton, with Ibhayi Construction being a key subcontractor to this venture with an alleged 30% ownership stake in the project. Three wealthy politically connected businessmen are part of the ownership structure at Ibhayi Construction; one of the owners is Enoch Godongwana, who has held two cabinet posts, first, as former Deputy Minister of Economic Development; and second, as former Deputy Minister of Public Enterprises (Ibid).

Similarly, the tender for the Moses Mabhida Stadium was given to a joint venture between Group 5, WHBO and Pandev. The Group 5 BEE partners included two companies. Investigations by Sole (2010:191) revealed that the first company has as a shareholder politician-turned-businessman Tokyo Sexwale, the former Premier of Gauteng and former Minister of Human Settlement. The second company is part-owned by Bulelani Ngcuka, who is the husband of former Deputy President Phumzile Mlambo-Ngcuka. A senior official in the Young Communist League (YCL) of South Africa complained to me that the extent to which the state can hold the key construction industry players accountable is questionable because of

³² Interview participant, coordinator at national union, Johannesburg, 20 June 2017.

³³ Interview participant, CEO of development consultancy, Johannesburg, 31 May 2017.

the involvement of politically connected individuals,³⁴ blurring the distinction between the state and the private sector.

An example of the blurred distinction between public and private sectors is shown by the business dealings of the construction firm, Murray & Roberts. In 2016, Murray & Roberts entered into an agreement with Firefly Investments, part of the Southern Palace Group, to sell a section of its infrastructure and building divisions for R314 million (Murray & Roberts 2016b). The Government Employees Pension Fund (GEPF) is a shareholder in Murray & Roberts, with a 15.24% stake (Murray & Roberts 2016a). The GEPF owns 25% of Firefly Investments through the Public Investment Corporation (Ibid). The GEPF is an important investor of public sector funds, being the biggest pension fund in Africa with assets worth approximately R1.6 trillion.³⁵ As such, GEPF is an important shareholder in Murray & Roberts and has a role to play to hold the executives accountable for engaging in behaviour that undermines public interest. The complex relationship between key state institutions that invest public servants' pensions and the construction industry reiterates the point that there is a blurring between private and public sectors, and it is difficult to determine where corruption begins and where it ends. Below is an example of a questionable BEE transaction concerning the management of the Soccer City stadium in Johannesburg.

6.4.1 A questionable BEE transaction

The contract between the City of Johannesburg and National Stadium SA (NSSA) to manage the Soccer City stadium is an important example of the abuse of the BEE policy. The investigative journalist Rob Rose (2010:23–25), found that NSSA, a company established in 2009, had won the bid to manage the Soccer City stadium, with the contract stipulating that the City of Johannesburg would give NSSA all its earnings from the 2010 FIFA World Cup. The reasons given for the City of Johannesburg subcontracting the management of the stadium have some merits. As the then CEO of NSSA, Mr Grobbelaar stated the City lacks the expertise to run a profit-generating stadium and “[i]t could turn out to be a huge political embarrassment if a R3 billion stadium ends up not being used. So, part of the criteria for the tender was to create

³⁴ Interview participant, senior official, Young Communist League (YCL) of South Africa, Johannesburg, 20 June 2017.

³⁵ GEPF. *Your Investment, your future*. Available at <http://www.gepf.gov.za/>, accessed 06 November 2018.

a legacy for the stadium” (quoted in Rose 2010:29). However, the problem with the City of Johannesburg awarding the contract to NSSA is based on NSSA’s highly questionable BEE status. As Rob Rose’s (2010:39) investigations discovered, NSSA’s major shareholder, Global Event Management, gave 26% of its shares to Gladwin Khangale, who was an employee and former security guard at NSSA. This case highlights the flaws inherent in the South African BEE policies, because the fact that the City of Johannesburg can award a tender to a company whose BEE status is based on a questionable BEE share transfer deal undermines the “spirit and principles of BEE” (Rose 2010:42). The next section discusses a darker side of tender corruption within the construction industry that blurs the distinction between politics, public and the business sectors.

6.4.2 Legacy of murder of Mbombela Stadium: the dark side of tender corruption

The murders associated with the building of the Mbombela Stadium in the city of Nelspruit, the capital of Mpumalanga province, situated in the Eastern part of South Africa, highlights a dark side to tender corruption. In 2010, the *Sunday Times* journalists, investigating the political assassinations in Mpumalanga, found that between the period of 1998 and 2010 at least 12 local politicians and officials had been murdered without any arrests being made by the police (Molele & Wa Afrika 2010). There were allegations that there was a hit list of individuals who had threatened access to tender contracts for the 2010 World Cup (Mail & Guardian 2010). It was alleged that some investigative journalists who covered tender corruption were also on this hit list (Ibid). Furthermore, a killer for hire had “accused an influential ANC leader in Mpumalanga of offering him R100 000 and a cushy government job if he poisoned government officials who were blocking access to tenders linked to the 2010 FIFA World Cup”.³⁶

One of the key figures who was murdered was Jimmy Mohlala, a senior administrator at the Mbombela municipality and a member of the ANC.³⁷ Mr Mohlala was the whistle-blower about the tender corruption surrounding the Mbombela stadium that implicated senior ANC officials in that city (Mail & Guardian 2009). When he was shot, he was subject to a

³⁶ Molele, C., & Wa Afrika, M. 2010. Murder Inc in Mbombela, 07 February 2010, Available at: <https://www.timeslive.co.za/sunday-times/lifestyle/2010-02-06-murder-inc-in-mbombela/>, accessed 06 21 November 2018.

³⁷ Flanagan, J. 13 June 2015, Dailymail, Available at: <https://www.dailymail.co.uk/news/article-3121989/Widow-murdered-2010-South-Africa-Fifa-World-Cup-whistle-blower-Jimmy-Mohlala-says-husband-alive-today-hadn-t-exposed-multimillion-dollar-stadium-fraud.html>, accessed 20 April 2020.

disciplinary process of the ANC because he had refused to step down after the Mbombela municipality had fired him (Mail & Guardian 2009). Similarly, Samuel Mpatlanyane, the communication and spokesperson of the Sports and Culture department in Mpumalanga, died from a gunshot fired while he was in bed, after he attempted to disclose the tender irregularities surrounding the building of the Mbombela stadium (Molele & Wa Afrika 2010).

The Mbombela murders reveal blurring between different forms of corruption and institutions, revealing that the distinction between grand political corruption and bureaucratic corruption, although analytically useful, is an arbitrary distinction based on “the Weberian separation of politics from administration” (Andvig & Fjeldstad 2001:11). This was exemplified by the authorities involved in the Mbombela murders. The two main forms of authorities implicated in the Mbombela Stadium murders were the Mbombela municipality (an administrative body) and the ANC (a political party). The incident revealed that both forms of authorities are interlinked in a way that confirms the argument (Albrecht & Moe 2015) that there are no pure forms of authority. The murder of Mr Mohlala, a senior ANC politician and an employee at the Mbombela municipality, reveals nuances and complexities of corruption in a context in which politics and administration are blurred. It can be speculated that Mr Mohlala was murdered because his role as a whistle-blower implicated senior ANC officials in the city (Mail & Guardian 2009). It remains unclear why the ANC as a political party, which should be separate from the administration of the Mbombela municipality, would institute a disciplinary hearing against Mr Mohlala, because his role in the municipality should have been separated from his role as a member of the ANC. The assumption is that the disciplinary proceedings were influenced by the fact that some senior ANC officials were implicated in the Mbombela tender corruption (Mail & Guardian 2009). Therefore, the blurring of interests between administration officials at the Mbombela municipality and some of the ANC officials reveal that the Weberian separation of state administration and politics is not useful. This confirms Jarstad and Belloni’s (2012:1) argument that hybrid political systems incorporate different institution “which coexist, interact, and even clash”. The murdered Mr Mohlala had relationships with both the ANC and the Mbombela municipality (an ANC-governed municipality) that appeared interlinked and inseparable. The next section discusses how the relationship between the construction industry and the state, outlined in the previous sections, provide further insights into the process of hybridisation.

6.5 Is the state or construction industry driving hybridisation

As discussed in Chapter two, Baker (2013:299) articulates that it is useful to conceptualise hybridity as a process “driven by governments”. Baker’s (2013) research findings in Ethiopia suggest that although, traditionally, state policing tends to oppose sharing policing responsibilities with non-state actors, its decision to collaborate with non-state policing actors takes into consideration economic and political considerations. According to Baker (2011:27), the state, in the context of policing, economically dominates non-state policing actors, resulting in it having asymmetrical power relationships that enable it to drive the hybridisation process (see Baker 2013). Findings from Chapter five concurs with Baker to the extent that it acknowledges that, in a context where the state controls financial resources, it has asymmetrical power in relation to non-state actors when it comes to the distribution of resources. However, this does not mean that the state drives the process of hybridisation. Chapter two stated that scholars have advocated for an examination of hybridisation as a historical process that is empirically determined (see Colona and Jaffe 2016; Canclini 2005; Albrecht 2018b). Taking hybridisation as a historical process as a point of departure, the rest of this section explores how the historical relationships between the state and the construction industry sheds light on the question of who is the driver of hybridity.

The relationship between the state and the construction industry is dynamic as both actors navigate the complexities of operating in a global economy and the specific South African political economy shaped by colonial and apartheid history. As outlined earlier in the chapter, the sanctions levelled against the apartheid government and the general political unrest in the country between the mid-1970s and the 1990s adversely affected the profitability of the construction industry. The response of the construction industry to address its decreasing profitability was a shift in policy. Cottle (2014a:21) points out that from the late 1980s, the construction industry’s shift in policy to advocating for the prioritisation of adequate housing in townships was well received by the apartheid housing ministry and between 1992 and 1993, approximately R4.5 billion was allocated towards housing schemes. Drawing from the work of Avant et al. (2010:12) principled authority formed the basis of the construction industry’s ability to influence the apartheid state to change its policies on infrastructure development. Although, arguably the change in policy was also a pragmatic political decision for both parties to pacify a tense political situation.

Under the post-apartheid government, the construction industry continued to benefit from the policy of investing in infrastructural development services to benefit all South Africans. A priority of the new democratic government was reversing the effects of the apartheid regime in the economy. Chapter four discussed that the apartheid system of government was based on creating a strong Afrikaner state, and that, as such, the political, social and economic spheres were governed by the rationale of advancing the interests of one racial group of people. The post-apartheid government delegated authority to the construction industry by giving it a central role to facilitate economic growth through infrastructure development, job creation and transformation of the economy. Using Avant et al.'s (2010) terminology, the big construction companies were able to enact expert and capacity-based authority by implementing the government's policy objectives. According to the governance at-a-distance literature, the implementation of state policies by the construction industry inadvertently extended the powers of the state. Scholars have argued that the governance at-a-distance strategy, when successfully implemented, extends the power of the state by enabling it to have indirect control (see Rose & Miller 1992; Garland 1996). In other words, the state exercised indirect control and steered the industry to fulfil state objectives by giving the construction industry the mandate and power to fulfil state functions, such as infrastructure development.

The state and the construction industry have a complex and fluid relationship not captured by the dichotomy between steering and rowing (Osborne & Gaebler 1993), as conceptualised in the governing at-a-distance literature, which fails to acknowledge the negotiations and shifting relationships that shape the relationship between the two actors. The shifting and evolving role of the construction industry from steering policy in the 1980s, to the current dispensation where the state takes the lead in steering policy that regulates the industry undermines the steering/rowing dichotomy to explain the relationship between the state and the construction industry. The relationship between the construction industry and the state is fluid and both actors steered and steer policies to address a complex political economy, before and after apartheid. A historical analysis of the relationship between the South African construction industry and the state reveals that both actors drove hybridity in a way that makes it difficult to identify the primary driver, even where it may be possible to identify the primary driver at different stages in the hybridisation process. The contribution to hybridity made by this study is to show that because relationships in a hybrid governance setting are characterised by

navigating complex fluid political, social and economic dynamics, it is possible for both actors to be the primary driver of hybridity, albeit at different points in the process of hybridisation. Which actor is the primary driver at a given point in the hybridisation relationship is an empirical question. The hybridisation process is characterised by contradictions. The chapter makes the argument that practices of corruption by both the state and the construction industry in the implementation of BEE policies reveal contradictions between state policy and implementation. The next sections examine how the contradictions that characterised the relationship between the state and the construction industry ahead of the 2010 FIFA World Cup infrastructural preparations furthers insights into hybridisation.

6.5.1 Contradictions during the process of hybridisation: the relationship between the state and the construction industry

An important criticism of hybridity is its broadness, which does not acknowledge the dynamics between the different actors in the hybrid governance structure. Furthermore, Albrecht (2018a:575) highlights that, in hybridity literature, there is a tendency to “overemphasise positive accommodation”, which fails to capture the tension between “positive accommodation and separation” – a characteristic of hybridisation. Similarly, Baker (2013:298) argues that hybridity consists of bringing together contradictory actors. For Albrecht (2017:570) the homogenisation and heterogenisation between different actors in the process of hybridisation “allows for a contradictory conclusion”. As highlighted in Chapter two and five, exploring the strategies and practices of the actors as they enact authority in hybrid settings reveals how tension between homogenization and heterogenisation is negotiated (see Albrecht & Moe 2015). Building on the notion that hybridisation is characterised by contradictions, the chapter contributes to hybridity literature by revealing that the contradictory elements in the process of hybridisation are overshadowed by the practices of corruption.

Chapter four has outlined that, because of international pressure, the post-apartheid government adopted GEAR policies, which are underpinned by neoliberalism, departing from a more welfare-state approach to governance, adopted under RDP. The neo-liberal rationale is characterised by the promotion of limited government interference to facilitate an environment for the market to flourish. However, the rationale for BEE policies is redistribution, which

arguably promotes a more state-controlled economy. As argued in earlier sections the government, through its extensive investments in public infrastructure development, attempted to transform the construction industry by prescribing requirements for construction firms to qualify for public contracts. The result is arguably two competing governance mentalities simultaneously at work. The government justification for its redistributive BEE policies is the necessity to achieve equitable economic development. However, practices of corruption by the construction firms with its BEE partners undermined the effectiveness of BEE policies, resulting in the reinforcement of the existing economic power structures.

The findings in the chapter reveal the important role of corruption in shaping and influencing the relationships between the state and the top firms in the construction industry. The implementation of BEE policies by the top firms in the construction industry can be described as grand corruption. Chapter two describes grand corruption as the manipulation of state institutions by high-level officials, blurring the public/private sector distinction (see Amundsen 1999; Andvig & Fjeldstad 2001). This blurring between state/non-state, public/private has been labelled by Lund (2006) as the twilight zone. The twilight zone in a hybrid context, to use Bhabha's (1994:4) phrasing, acknowledges differences "without an assumed or imposed hierarchy". In other words, the relationship is not hierarchal, as the top construction firms and the politically connected individuals are interdependent to attain mutual interests. Furthermore, the blurring of interests between state and the construction industry is evidenced by the fact that the biggest government pension fund invests hugely in the construction industry. This blurring of interests creates hybrid orders that incorporate "liberal and illiberal norms, institutions, and actors which coexist, interact, and even clash" (Jarstad & Belloni 2012:1; see Johnson and Hutchison 2012). The liberal/illiberal norms include articulations of the free markets found in GEAR policies, redistributive practices captured by BEE policies, and patronage systems of governance as a result of grand corruption, practiced by the construction industry in implementing state policies.

Describing the Nigerian context Adebani and Obadare (2011:191) argue that grand corruption "is best seen as an example of elite struggles for power and resources". The research finding affirms Adebani and Obadare's (2011) argument that systems of corruption reveal how elites organise themselves to access power and financial resources. The awarding of these contracts was characterised by politically-connected BEE companies being awarded lucrative deals for

partnering with the top construction firms. As previously outlined, the tenders to build the Nelson Mandela Bay Stadium and the Moses Mabhida Stadium in Durban were awarded to big construction companies, linked to BEE construction companies that were part-owned by former senior politicians in government and high-ranking individuals within the ANC party.

My study of collusion in the construction of the 2010 FIFA World Cup stadiums suggests that, while hybrid structures are constituted by contradictory elements that are continuously being renegotiated during hybridisation, these contradictory elements may be overshadowed by the objective of corruption, achieved by former politicians turned businessmen (as a result of the government BEE policies) and their business partners, the construction firms, who have resources to implement state policies. These actors have benefited from BEE policies because of the structure of the South African construction industry, where only the top high-level grade construction firms have the necessary capacity in terms of access to finances and the needed technical skills to take on huge infrastructural development projects. The result is that only a few large construction companies are the main beneficiaries of the government's infrastructure development projects.

Although an argument can be made that because the objective of the construction industry is to achieve a profit and the state policies seek to ensure a more equitable construction industry, these two objectives seem contradictory, an analysis of these two objectives, through the implementation of BEE policies and through corrupt practices, reveal that these contradictions are in fact superficial. Indeed, the study reveals that, despite state rhetoric about the state's commitment to the economic empowerment of previously disadvantaged groups, the primary beneficiaries of BEE belie the rhetoric. This study goes further than the current observations in hybridity literature, suggesting that contradictions during hybridisation is addressed through continuous negotiations, by arguing that, ultimately, the practice of corruption to secure the financial interests of former politicians turned businessmen and their business partners dominated in a way that undermine and overshadow the contradictions between the state and the construction industry. However, it is important to highlight that the relationship between the state and the construction industry is dynamic and complex. Chapter seven explores how the government used the law as a way of creating boundaries between the state and the construction industry.

6.6 Conclusion

The chapter has argued that the relationship between the state and the construction industry occurred in a hybrid setting that was dynamic and shaped by political, economic and societal changes occurring during the transition from apartheid to democratic rule. A historically aware approach in analysing the relationship between the South African government and the construction industry reveals that both actors steer policy creation, in a way that undermines Baker's suggestion that hybridity and the hybridisation process is state driven.

The chapter has noted the gap between BEE policy objectives and actual implementation, revealing that the hybridisation process is marked by complexities and contradictions. On one hand, the state and the construction industry sought to create a constructive partnership in order to address the inequalities created under the apartheid system of government through infrastructure development and transformation of the construction industry. On the other hand, an examination into the implementation of BEE policies reveals that corrupt practices have undermined the effectiveness of state policies. The result has been the reinforcement of the existing economic power structures, with politically connected BEE businesses and the top construction firms being the primary beneficiaries of BEE policies. This contributes to hybridity literature by revealing that although hybridisation is characterised by contradictions between actors, corrupt practices by these actors to attain mutual interests of financial gain overshadow these contradictions. The next chapter discusses another characteristic of hybridisation, which is blurring, and examines the relationship between blurring and creation of boundaries.

CHAPTER 7: UNDERSTANDING THE RELATIONSHIP BETWEEN BOUNDARY-MAKING AND HYBRIDISATION

7.1 Introduction

This chapter builds on the previous chapter that noted that the relationship between the state and the construction industry was blurred because of corruption practices in the implementation of BEE policies. The hybridity literature acknowledges blurring between different actors in hybrid governance structures but for the most part fails to specify exactly how this blurring manifests.³⁸ The point of departure for this chapter is that blurring during hybridisation occurs simultaneously with boundary-making. The chapter draws on Kyed (2017:466) who argues that “[b]oundaries do not vanish as hybridisation occurs, nor vice versa”. According to Kyed (2017), boundary-making and hybridisation occur simultaneously resulting in a productive tension, with hybrid acts undermining boundaries. Therefore, exploring boundary-making during hybridisation gives further insights into the working of relationships between different actors inside hybrid governance structures.

This chapter examines enactments of authority by the state and the construction industry in boundary-making during hybridisation and seeks to answer the research question: *What are the state and construction firms’ responses to boundary-making during hybridisation?* The chapter is divided into two sections. The first section discusses how state officials’ corrupt practices, when interacting with SMMEs, is an exercise in boundary-making, furthering understanding into the process of hybridisation. The second section explores how the response of the construction industry to the state’s enactment of boundary-making through enacting legislation provides insights into the relationship between boundary-making and hybridisation.

7.2 The exercise of corruption by state officials

The dissertation has made the point that corruption played a key role in the implementation of state policies on the tendering process for the building of football stadiums ahead of the 2010

³⁸ See discussion in Chapter two.

FIFA World Cup event. The previous chapter discussed how grand corruption in the implementation of BEE policies shaped the relationship between the top construction firms and politically connected BEE businesses. Interviews conducted for this dissertation revealed that previously disadvantaged contractors engaged in corruption for practical reasons, such as lack of financial and technical capacity. As an owner of an architectural firm commented on the ineffectiveness of BEE policies:

You can't just say we have made the terms more favourable for black contractors, yet you are not funding them. So even if I got the work, I don't have the money to execute so what do I do, I go look for a white contractor who has the money, I sell the project to him and he gives me a small percentage.³⁹

This section discusses another form of corruption, where lower-level state officials receive bribes during their interactions with SMMEs in the construction industry, referred to as bureaucratic corruption. The empirical findings reveal that, for the most part, SMMEs in the construction industry that have obtained government contracts engage in corruption to secure work and to further the financial security of their business. As a national union coordinator explained to me, SMMEs engage in corruption for the following reasons:

One, the officials within the municipality or the government, they are the ones who determine when for you to be paid and when for you not to be paid. And how can you survive without payment having brought material from service providers and then you have to pay your labour, and then you have to maintain your fleet. How would you survive, unless you have to corrupt others so that your check will be signed? You have to corrupt others for your tender documentation to be approved.⁴⁰

During an interview, an auditor I spoke to reiterated this point, saying that state officials fuel corruption in public sector contracts by manipulating payments due to contractors. This is because:

usually government companies have certain times where they are supposed to pay their suppliers. You can actually see that a certain supplier is being preferred. I mean they are paying that supplier regularly. I mean even when, not even at certain intervals, sometimes they are supposed to pay after 30 days.⁴¹

³⁹ Interview participant, owner of a small construction firm, Johannesburg, 20 June 2017.

⁴⁰ Interview participant, national union coordinator, Johannesburg, 20 June 2017).

⁴¹ Interview participant, senior accountant, Johannesburg, 01 June 2017.

However, among SMMEs operating in the private sector, corruption is also prevalent, albeit that it manifests differently. In the private sector, corruption is about securing the contracts. As the CEO of a development consultancy revealed in an interview regarding SMMEs:

to be included in certain contracts, they have got to give kickbacks to other people. For them to be included in a particular contract and for continuously being retained in particular contracts they have to keep the machinery oiled so there is in the private sector it's there. In the private sector, there is quite a lot of that, there is quite a lot of that, there is a lot of kickbacks to people who own contracts.⁴²

The next section provides a discussion of the empirical findings to gain insights into the process of hybridisation.

7.2.1 Boundary-making: a tool for state officials to implement corruption

Drawing from Olivier de Sardan's (1999) work on the nature of corruption in Africa, an argument can be made that the rationale governing the relationship between the state officials and SMMEs in the construction industry discussed in the above section is based on the logics of negotiation and the logics of predatory authority. The logics of negotiation views corruption as tool to facilitate bargaining in everyday social transactions. The logics of negotiation explains how SMMEs in the construction industry bargain with state officials to ensure timely payment of their services, which is important for the survival of their businesses because late payments result in liquidity challenges. The result of the bargaining between the two actors is bribery payment transactions.

Olivier de Sardan (1999:41-42) noted that the logics of predatory authority refers to individuals in authority who engage in "various types of extortion, to the detriment of their 'subjects'"; an example, being a police officer demanding bribes in order to perform their duties. An argument can be made that paying bribes to state officials is acknowledging state authority, albeit that state officials facilitating corruption undermine the legitimacy of state authority. Indeed, the official state position through its numerous pieces of legislation, policies and regulations that seek to eliminate corruption clearly does not support the actions of corrupt state officials. This finding concurs with Persson et al.'s (2010:11-12) empirical research findings from East Africa that reveal that corruption is a collective action problem because bribes are paid to state officials

⁴² Interview participant, CEO of development consultancy, Johannesburg, 31 May 2017.

not because it is morally accepted but because it is a widely practiced norm in business transactions with the state.

The practice of corruption by low-level public officials and SMMEs construction firms reveals two forms of relationships between the state and the construction firms. First, a formal relationship with the state via the contract to provide the state with a service and second, an informal relationship with the public officials (representative of the state) created through payment of bribes to get their payments on time for services rendered to the state. Kyed (2017) argues that there is a tension created during hybridisation as hybrid acts undermine boundaries. According to Kyed (2017:466) the tension is productive because “these hybrid acts challenge the boundaries that are articulated at given moments by certain actors, new boundaries or prevailing distinctions are (re)enacted, which then gives way to new forms of hybridisation”. The research findings reveal that corruption blurs the boundaries between state/SMMEs in the construction industry, however boundary-making is also evident during hybridisation as highlighted by Kyed (2017). The boundary-making is evident during hybridisation because the state (through its institutions and representatives) have specific tasks that only it can fulfil in a way that is unchallenged, enabling the corruption to occur. In this case, the task is that it requires state officials to ensure timely payments to the SMMEs. In other words, this boundary making goes unchallenged by both actors to the extent that it achieves mutual objectives, state officials receive payment of bribes and the SMMEs construction firms receive timely payment for executing their part of the contract with the state. This finding reveals that an analysis of the practice of corruption during hybridisation goes further than what Kyed (2017) suggests, highlighting that the boundaries observable in the process of hybridisation enable the actors, party to a corrupt relationship, to attain a mutual financial benefit and are therefore not challenged.

The next section discusses how the state used the law as a way of enacting boundaries after the uncovering of collusive tendering by the top construction firms to construct the 2010 FIFA World Cup stadiums. To give context to the discussion, the section below examines the different conceptualisations of collective tendering captured by the South African media, the primary source of information on the collusion for public information. A thematic analysis of media coverage of collusive tendering in the South African construction industry was an important source of information because different newspapers with different ideologies

revealed different conceptualisation of collusive tendering. The different and contradictory conceptualisations of collusive tendering articulated by the media arguably gave impetus to the South African government to enact new legislation addressing some of the concerns highlighted in the debates captured by the media.

7.3 The corruption/collusion debates captured in the South African media

The different conceptualisations of collusion in the construction industry ahead of the 2010 FIFA World Cup revealed both the contradictory and blurring mentalities that shape the labelling of crimes.

- **Collusion justified as a means of meeting expectations**

The influential journalist Peter Bruce for the *Business Day* (a newspaper that supports a neo-liberal approach to the economy) covered the issue of collusive tendering extensively. Bruce argued that the construction industry was “faced with an almost impossible challenge” to complete five new stadiums in a short period of time in addition to the other large-scale infrastructural projects linked to the 2010 FIFA World Cup.⁴³ For Bruce (2013) collusion enabled deadlines to be met for South Africa to host a successful FIFA World Cup. Ndlovu-Gatsheni (2011) noted that government officials viewed questioning on whether the stadiums would be finished in time as lacking confidence in the ability of the ANC-led government to host a prestigious mega-event successfully. In other words, the argument was that the construction firms had no choice but to collude in order to complete the stadiums in time for the 2010 FIFA World Cup. Therefore, in this context collusive tendering was justified on public interest grounds. This viewpoint on collusive-tendering was widely rejected by the different newspapers that covered the story.

- **Collusion; another form of corruption**

The dominant theme in the media narrative was the notion that collusion is another form of corruption. This theme was highly controversial and brought to light other issues such as the

⁴³ Bruce, P., 2013. The thick edge of the wedge. *Business Day*, 15 July 2013.

role of race and socio-economic status in the conceptualisation of crime. Roger Jardine, the former CEO of the top construction firm, Aveng Group, was quoted in the media to have stated: “I believe collusion is just a nice word for corruption, which is becoming part of the fabric of our society”.⁴⁴ Similarly, an article in the Sunday Times by Kuseni Dlamini, the former head of Anglo American SA and Old Mutual SA & Emerging Markets noted:

The private sector likes to portray itself as an epitome of good governance and anti-corruption, but we have always known that it takes two to tango. Corruption by politicians and civil servants has been inextricably intertwined with rogue elements in the private sector.⁴⁵

Thulas Nxesi, the former Minister of Public Works, stated in an article printed in the media:

When Bobby Motaung and other black businessmen were charged with tender irregularities involving Mbombela Stadium in Mpumalanga, they were detained and paraded in front of cameras for the world to see. But with the big corporates involved, we have yet to see any evidence of such publicity stunts ... There is a racial dimension to this if you factor in our colonial and apartheid past. In our public psyche, we have always been socialised in a manner that suggests that criminality and being black are associated.⁴⁶

The debate regarding whether or not collusion should be dealt with as a form of corruption under criminal law instead of being addressed as a regulatory offence was another theme captured in the media narratives. The ANCYL provincial secretary, Bheki Mtolo, in a published interview captured this sentiment by stating: “Government officials are arrested when they are involved in corruption, but private sector bosses, who are looting our government coffers, get away with murder”.⁴⁷ The South African legislative framework on collusive tendering seek to serve different and competing interests. The result is a complex legal framework that encompasses both homogeneous and heterogeneous conceptualisations of collusive tendering.

7.3.1 The different conceptualisations of collusive tendering under the law

⁴⁴ Jardine, R., 2013. Integrity pact needed to drag tendering out of the shadows. *Business Day*, 9 October 2013.

⁴⁵ Dlamini, K., 2013. Whistleblowers must be rewarded. *Sunday Times*, 11 August 2013.

⁴⁶ Nxesi, T., 2013. Corporate corruption is met with silence from usual critics. *Star*, 26 February 2013.

⁴⁷ Memela, M., 2011. Outrage over conniving firms. *Sowetan*, 17 February 2011.

Collusive tendering falls under the jurisdiction of different state institutions. Under South African law, collusive tendering is a violation of competition law.⁴⁸ In the 1990s, the post-apartheid government created a comprehensive competition law regime, modelled after that of the US and EU. Arguing for the use of competition law, a competition lawyer told me: “Competition law is a highly technical area and it applies to big corporates; it doesn’t apply to individuals”.⁴⁹ Collusive tendering is also potentially a criminal offence and there are three avenues through which collusive tendering can be addressed within the criminal justice system. First, under common law collusive tendering can be viewed as fraud.⁵⁰ Although fraud takes a variety of forms, at the basic level it consists of some form of deception and misrepresentation for personal and financial gain. Secondly, I would argue that engaging in corruption during the tender process is a criminal offence under the Prevention and Combating of Corruption Act 12 of 2004 (POCA), which is punishable for up to 10 years. The CIDB highlighted that collusion “is one of the most sophisticated forms of corruption in the construction industry”.⁵¹ Thirdly, an expert whom I interviewed noted that collusive tendering can be conceptualised as organised crime.⁵² For example, an organised crime expert told me:

Organised crime in the form of corruption, I think it should be but the organised crime itself really needs to have a definition which receives universal acceptance. At the moment that has not yet happened. It is very very loosely defined but in my view collusive tendering is corruption and depending on who is responsible for it, it would qualify as organised crime.⁵³

Although legislation in South Africa does not expressly define the constituents of organised crime, the group of construction firms that took part in the collusive tendering are consistent with the definition of “organised criminal group” outlined in Article 2(a) of the United Nations Convention against Transnational Organised Crime (UNTOC) (UNTOC 2000), to which South Africa is party. Article 2(a) of the UNTOC defines an organised criminal group as

⁴⁸ In this case study, the collusive tendering in the construction industry was addressed as a violation of competition law under the jurisdiction of the Competition Commission, an independent regulatory agency created by the Competition Act to enforce competition law. Collusive tendering violates section 4(1)(b)(iii) of the Competition Act.

⁴⁹ Interview participant, competition lawyer, Johannesburg, 30 June 2017.

⁵⁰ Interview participant, former deputy national commissioner in South African Police Service, Johannesburg, 8 June 2017.

⁵¹ City Press 2011. Construction Industry Development Board press statement. 6 March 2011.

⁵² Interview participants, organised crime expert, Cape Town, August 2016; director of a civil society organisation, Cape Town, 16 August 2016; former deputy national commissioner in South African Police Service, Johannesburg, 8 June 2017.

⁵³ Interview participant, organised crime expert, Cape Town, August 2016.

a group of three or more persons that was not randomly formed; existing for a period of time; acting in concert with the aim of committing at least one crime punishable by at least four years' incarceration; in order to obtain, directly or indirectly, a financial or other material benefit" (UNTOC 2000).

Benjamin and De Wet (2013) noted that the collusion in the South African construction industry was a "[l]ong-standing and hugely profitable organised co-operation between major construction companies".⁵⁴ These construction firms met up secretly with the express purpose of committing fraud through rigging the tender process to derive both financial and material benefit. This section has noted that under the South African legal framework, collusive tendering is both a regulatory offence and a criminal offence if conceptualised as corruption, white-collar crime and organised crime. In light of the contentious debates in the media about what constitutes collusive tendering the government has sought to address some of the gaps in legislation by enacting new legislation that expressly criminalises collusive tendering.

7.3.2 The criminalisation of collusive tendering

After discovering the collusive tendering in the construction industry and subsequent extensive media coverage of the case, the government made a policy decision to change the Competition Act and criminalise collusive tendering. The enactment of section 73A of the Competition Amendment Act 1 of 2009, which came into effect in May 2016, imposed criminal liability on directors and individuals in management whose firms are found guilty of participating in collusive tendering. The Competition Amendment Act 1 of 2009 was highly contentious for two main reasons. The first was the constitutionality of the amendment; and the second reason was the extent to which criminalising collusive tendering undermines the work of the Competition Commission (Lopes et al. 2013:3). On the issue of constitutionality; under the South African Constitution, a person has the fundamental right not to give self-incriminating evidence (Lopes et al. 2013:4).

Section 49A(3) of the Competition Act, as inserted by the Competition Amendment Act 39 of 2000, states:

⁵⁴ Benjamin, C., & De Wet, P. 2013. The flaw that broke the construction cartel's back. *Mail & Guardian*, 19 July 2013. Available at <http://mg.co.za/article/2013-07-19-00-the-flaw-that-broke-the-construction-cartels-back>, accessed 21 November 2018

No self-incriminating answer given, or statement made to a person exercising any power in terms of this section is admissible as evidence against the person who gave the answer or made the statement in criminal proceedings, except in criminal proceedings for perjury or in which that person is tried for an offence contemplated in section 72 or section 73(2)(d), and then only to the extent that the answer or statement is relevant to prove the offence charged.

Lopes et al. (2013:4) highlighted that under the Competition Act of 1998, evidence gathered from being brought before the Competition Authorities cannot be used in criminal proceedings. Therefore, individuals involved in cartels cannot be tried for the criminal offence of fraud using the evidence from the Competition Commission. Furthermore, to add to the complexity, the competition authorities cannot grant immunity from criminal prosecution to individuals who take part in cartel activity, as only the National Prosecuting Authority (NPA) has the discretion to pursue criminal prosecutions in South Africa (Ibid:12). The second criticism against criminalisation of collusive tendering was based on the fact that the Competition Commission authorities rely on cooperation from the colluding parties to get information and uncover the cartels. As an official from the Competition Commission stated in a newspaper interview: “Had it not been for the fast track process the commission initiated, the conduct would not have come to light. The logic behind the process was to offer people lesser fines for truthful disclosures, but the real discount had been the fact that people confessed”.⁵⁵ Furthermore, David Unterhalter, a lawyer for the Competition Commission, noted that addressing the collusion in the construction industry through litigation was not a practical alternative because 140 cases had been uncovered and “one case with one or more infringements can take four to five years”.⁵⁶ This section has revealed the different conceptualisations of collusive tendering and explored how the state addressed the debates in the media about the blurring between collusion/corruption through enacting new legislation, criminalising collusive tendering. The next section discusses how this gives insights into the hybridisation process.

7.4 Boundary-making: law as a tool for the state

This chapter draws from Mitchell (1991:78), highlighted in Chapter two, who suggests that boundaries can be studied by examining the political process that seeks to make a distinction

⁵⁵ Visser, A. 2013a. Call for directors’ charter in construction. *Business Day*, 19 July 2013.

⁵⁶ Visser, A. 2013b. Jurisdiction of the Competition Commission. Penalties are fair, says commission. *Business Day*, 18 July 2013.

between state and the society. Lund (2006:689) argued that the ability to make distinctions is a characteristic of the state, which he described as “the essence of public authority”. It should be noted that non-state actors also exercise boundary making. The point of departure of this chapter is that the law has been used for articulations of state authority and the responses by the construction industry to this articulation provides insights into the relationship between boundary making and hybridisation.

Law has been conceptualised in diverse ways in literature, for example, Marxist social theorists such as Ralph Miliband (1977) have argued that law is an ideological instrument used by the ruling elite to protect their material interest. According to Comaroff and Comaroff (2007:134) in postcolonial nations the law is central to articulations of power and interactions between states and citizens. This chapter argues that the South African government’s act of enacting legislation criminalising collusive tendering was a boundary-making exercise by the state, separating itself from the controversies surrounding BEE businesses owned by politically connected individuals working in partnership with top construction firms. This response revealed that in the face of public pressure, although political and business elites work in close partnerships, the politicians will take a tough stance against business elites to gain legitimacy.

Discussions about hybrid political structures inadvertently reinforces the binaries, which the concept of hybridity seeks to overcome (see Heathershaw 2013; Albrecht & Moe 2015; Hameiri Jones 2017). This chapter explores the binaries at play in conceptualising collusive tendering in hybrid structures: criminal versus regulatory offences. In the case study, the South African authorities viewed collusive tendering as a violation of competition law under the jurisdiction of a regulatory body, the Competition Commission. The debate in the literature on the regulation of collusion (which is commonly referred to as white-collar crime) is divided between the punishment versus the compliance model. The punishment model advocates for a punitive approach through the criminal justice system, while the compliance model seeks to avoid law enforcement in favour of a regulatory body that works in partnership with corporations to enforce compliance with legislation. The research findings confirmed Snider’s (2000) observations that making distinctions between regulatory offence and criminal offence perpetuates false stereotyping about who is a criminal. The research findings reveal that the collusive tendering in the South African construction industry to build football stadiums ahead of the 2010 FIFA World Cup was essentially private sector corruption in the implementation

of public sector contracts, highlighting the blurring between the public/private sectors as well as public/private sector corruption. This blurring reveals the contradictions between the different legal instruments encompassing homogeneous and heterogeneous understandings of collusion in a way best described by the concept of hybridity. Therefore, the exercise of state authority, by amending the 1998 Competition Act to impose criminal liability on individuals in management positions of firms engaging in collusion, was important to show the state's impartiality when dealing with big business. This is despite strong evidence suggesting that enacting legislation criminalising collusion would undermine the work of another state institution, the Competition Commission, which is dependent on the cooperation of colluding parties to fulfil its mandate. However, Alvesalo and Tombs (2002:31) noted that using the criminal justice system to address white-collar crime is counterproductive because it gives the appearance that both big, powerful corporates and socially disadvantaged criminals stand on equal footing before the law, which ignores the existing biases of the criminal justice system. Indeed, Alvesalo and Tombs's (2002) observation is important, as highlighted by the response of the top construction firms to the amended legislation.

Pieterse (2001:239) makes the point that "the meanings of boundaries are by no means constant". For Kyed (2017:471) "[b]oundaries are not natural, but actively produced, confirmed, disconfirmed, negotiated and redefined in everyday interactions" (see Lund 2006:689). I have argued earlier that the act of enacting legislation criminalising collusive tendering was a boundary-making exercise by the state, separating itself from the construction industry and corporate South Africa to show its commitment to promoting public interest. The construction firms' response, through a Corporate Social Responsibility (CSR) initiative, was to create a trust fund (with conditions that protected the firms involved in collusion from being held accountable), which challenged this boundary-making exercise by the state. In October 2016, the top seven construction companies – WBHO, Aveng, Murray & Roberts, Group Five, Basil Read, Raubex and Stefanutti Stocks entered into an agreement with the government to develop and transform the construction industry. The agreement was that the companies would create a fund that would amount to R1.5 billion over a 12-year period. PwC (2016:17–18) noted that the purpose of the fund is to train individuals from disadvantaged communities through providing bursaries, strengthening the capacity of the government to fulfil its service delivery obligations and providing mentoring for black-owned construction companies. The construction industry stipulated two conditions to the trust fund; the first condition is that South

African National Roads Agency (SANRAL) should withdraw its civil claim against the construction companies that engaged in collusive tendering to build the 2010 FIFA World Cup stadiums. This requirement was met, because SANRAL withdrew its civil case against the construction firms in November 2016. The second condition was that any penalties from the civil lawsuits launched by government entities and parastatals would be deducted from the trust fund. These conditions for the trust fund suggest that the construction firms involved in collusion had found a convenient way of avoiding civil lawsuits that would potentially prove to be very expensive. In other words, this trust fund effectively kills two birds with one stone, as the companies are able to garner more public contracts by showing that they are taking the government policies of transformation of the industry seriously, while simultaneously finding a way to avoid costly litigation from civil lawsuits. This suggests that the rationale behind the creation of the trust fund by the construction industry was risk management. This finding is supported by Hönke's (2012:68–69) research on CSR community development programmes that reveal that, despite the rhetoric by multinational companies engaging in participatory community development in fragile states expressing commitment to democracy and self-determination, the power relations on the ground undermine these principles. This is because, for practical purposes, the multinational companies pursue governing strategies that enable them to achieve stability (Ibid).

The silence of the government to the trust fund conditions suggest that the government accepted the undermining of its boundary-making exercise in order to protect its working relationship with the top construction firms. This reveals that state policy aimed at being 'tough' on the top construction firms might suffer from limited enforcement. Indeed, it remains to be seen whether the state will prosecute directors of top construction firms found to be engaged in collusive tendering. This is because, as discussed in Chapter four, it is widely accepted that it is difficult to secure convictions of this form of criminality. This finding reiterates the argument made earlier that although boundaries do disappear during hybridisation there are diverse factors that might influence whether hybrid acts challenging boundary making are implemented or not. This chapter has revealed that, on one hand, in the context where boundary making practices results in the different actors attaining mutual interests, the boundary making is not challenged, however, on the other hand, boundary making is challenged if it disadvantages an actor in the hybrid structure. In other words, it is not inevitable that boundary making during hybridisation is challenged, as suggested by Kyed (2017). Further empirical research is needed to examine

the contexts in which boundary making is not challenged in the process of hybridisation. This finding contributes to hybridity literature by showing that it is important to rethink the tension between boundary making and hybrid acts during hybridisation because the two processes do not necessarily have to be opposed, they could serve to fulfil a similar objective. The next section examines the effect of hybridisation on the hybrid governance structure.

7.5 After hybridization: the creation of a new hybrid structure

Chapter two noted that scholars from different fields of study differ on whether or not hybridisation results in the creation of a new structure. For Colona and Jaffe (2016:176), hybridisation results in the creation of “a new or emergent political formation that is neither state nor non-state”. Similarly, Bhabha stated in an interview with Jonathan Rutherford (1990:211) that the “process of cultural hybridity gives rise to something different, something new and unrecognisable, a new area of negotiation of meaning and representation”. For Young (1995:21) the process of unconscious hybridity resulted in the creation of a new form of culture. However, Albrecht (2018a:574) provides a different viewpoint by arguing that sources of authority constituting hybridisation are interconnected but “do not merge into an even or stable (permanent) hybrid order”.

The findings from Chapters five, six and seven reveal that the blurring between the state and the construction industry within a hybrid setting did not result in a new structure. The findings reveal that although a new permanent hybrid structure is not formed, a temporary hybrid structure (whose constituents are difficult to separate as noted by Albrecht & Moe 2015) is, however, created. The temporary hybrid structure is disbanded after the objective of its creation has been met. For example, the partnerships between the top construction firms and the politically-connected BEE firms were temporary to achieve a specific objective; once stadium construction was completed, the partnerships were disbanded. The same actors might decide to partner again for a different project. An examination of the construction firms and their BEE business partners suggests that the same group of firms were involved in collusive arrangements to work on different projects; forming partnerships and disbanding the partnerships upon the completion of the project. This contribution goes beyond the assertion that hybridity results in integration by revealing that the integration is not necessarily permanent. The findings contribute to hybridity and governance literature by making a

distinction between permanent and temporary hybrid governance structures, which is important in contemporary governance, characterised by a myriad state and non-state actors interacting in different contexts at the local, national and international levels to implement various projects that tend to be time-sensitive. Moreover, it can be asserted that this contribution reveals that the notion of permanent hybrid structures is not analytically useful in the African context, as it fails to capture the reality of hybrid structures as contested, negotiated and constantly evolving (see Rutherford 1990; Meagher et al. 2014; Colona & Jaffe 2016).

7.6 Conclusion

To conclude, the chapter argues that the process of hybridisation encompasses both boundary making and hybrid acts undermining the boundary-making practices. Therefore, examining boundary-making practices provides insights into hybridisation. The act of enacting legislation was a boundary-making exercise by the government to distance itself from the construction industry as well as gain legitimacy by condoning the collusion/corruption in the construction industry. The chapter argues that the government exercised its authority by enacting legislation imposing criminal liability on individuals in management whose firms violate the Competition Act via engaging in collusive tendering. The different legal instruments encompassed homogeneous and heterogeneous conceptualisations of collusive tendering; therefore, the new legislation clarified the state's position on collusion in a way that suggests that the state is not biased towards big business.

The research has shown that the distinction between state and the construction industry is characterised by boundary-making practices that facilitate corruption, which benefit both parties. This was revealed by the relationship between state officials and SMMEs in the construction industry reliant on bribery payments to ensure that the SMMEs with state contracts receive timely payment for their services. On one hand this boundary making goes unchallenged by both actors to the extent that it achieves mutual objectives, however, on the other hand, the boundary-making practice is challenged when it goes against the interest of one actor, as demonstrated by the response of the construction industry to the amended legislation, criminalising collusive tendering. The creation of a trust fund with conditions that arguably undermined the objectives of the amended legislation was not questioned by the state. The fact that the government did not challenge the conditions of the trust funds reiterates the point that

boundary making in a hybrid context is not necessarily challenged. Whether it is challenged or not is an empirical question. The findings show that the result of the process of hybridisation is the creation of a temporary governance structure that is disbanded after the objective of the hybrid arrangements have been met.

CHAPTER 8: CONCLUSION

8.1 Introduction

In this dissertation I have argued that the concept of hybridity provides for a move beyond a state-centric understanding of governance in the Global South. The concept of hybridity has faced two criticisms: firstly, it has been criticised for inadvertently reinforcing a binary worldview it seeks to overcome and secondly, for being broad in a way that undermines its analytical rigour. To address these criticisms the dissertation has responded to the call by scholars who argue that hybridity should be analysed as a process (see Albrecht 2018b; Colona and Jaffe 2016; Albrecht & Moe 2015). For Colona and Jaffe (2016:182) an analytical approach that views hybridity as a process enables a nuanced exploration of the evolving and changing dynamics in hybrid structures. Albrecht (2018a:575) argued that the process of hybridisation is characterised by tension with “positive accommodation and separation” that is empirically determined. Therefore, Albrecht (2018a) suggested that to understand how contestations within the process of hybridisation transpires, examining the strategies and practices of the different actors in hybrid structures as they enact authority is useful (see Albrecht & Moe 2015). I drew on the governmentality framework, which advocates for moving beyond a binary worldview by focusing on rationalities, strategies and practices of power “at their point of application” (Death 2013:774) to analyse how authority relationships shape the process of hybridisation. The main research findings analysed in the empirical chapters and the theoretical contribution to hybridity literature are discussed below.

8.2 Resource distribution in a contested process of hybridisation

Chapter five answered the research question: *How did the strategies used by the South African state to enact authority during the construction of stadiums for the 2010 FIFA World Cup shape the process of hybridisation?* Drawing from Albrecht (2017), who suggested that heterogenisation during the process of hybridisation is central to the manifestations of authority and has implications on the access to resources, Chapter five focused on the strategies, policies and practices of the state in allocating resources ahead of the 2010 FIFA World Cup event. Building from Geertz’s (1980) conceptualisation of the theatre state, the chapter argues that for the South African government, hosting an elaborate expensive 2010 FIFA World Cup was an

exercise of soft power and an end in itself. It was part of the government's diplomatic efforts to counter negative stereotypes about the country on an international stage. The diplomatic efforts included narratives around African Renaissance (displaying the capabilities of Africa by hosting the first mega-event in Africa) although this narrative was undermined by xenophobic attacks on African immigrants before and after the event. The findings in Chapter five revealed that the allocation of resources was primarily determined by the state objective of exercising soft power through hosting a successful 2010 FIFA World Cup and not a result of heterogenisation stemming from negotiations during hybridisation.

Of course, there are heterogeneous actors with different objectives and interests competing for resources in a mega-event context. However, the finding in this chapter noted that the state (the actor with the mandate to host a FIFA World Cup) used and distributed state resources in a way that fulfilled its objective of hosting a successful FIFA World Cup while paying lip service to the different interests of other stakeholders. The chapter discussed that the South African government was prepared to meet FIFA's extensive legal requirements captured by the Standard Cooperation Agreement because this was a necessity if the country wanted to qualify to host the 2010 FIFA World Cup. The Standard Cooperation Agreement protected the financial interests of FIFA's partners; therefore signing the agreement meant that government policy to use the FIFA World Cup as an impetus for economic development benefiting all South Africans was undermined, as the main beneficiaries of the FIFA World Cup were FIFA's partners. Similarly, the decision to build the Green Point stadium in an affluent residential area went against the initial government policy of building a stadium in an underdeveloped area of Cape Town. The Green Point stadium was built arguably to impress FIFA delegations. Therefore, an argument can be put forward that when the South African national government was faced with two competing policy objectives, resources were channelled into the policy that would support a successful bid to host the 2010 FIFA World Cup.

The findings have shown that the contradictions between state policies and implementation of the policies bring further understanding into allocation of resources in hybrid structures. The contribution to hybridity literature made by this chapter is that access to resources is not necessarily determined by heterogenisation during the process of hybridisation, centred on articulations of authority as suggested by Albrecht (2017). This is because there are contexts in which the decision-making authority determining how resources are allocated will do so in a

way that enables their primary objective to be met and, in the process, override heterogeneous interests, despite paying lip service to other interests and objectives.

8.3 Hybridisation and the relationship between the state and the construction industry

Chapter six raised the question: *How did state policies shape relations between the state and the construction industry during the process of hybridisation?* Chapter six argues that the hybrid relationship between the state and the construction industry provides insights into the process of hybridisation. Chapter six made two contributions to hybridity literature. The first contribution lies in revealing which actor drives the hybridisation process and the second in showing how contradictions shaped hybridisation. Baker (2013:299) argued that it is useful to conceptualise the hybridisation process as “driven by governments”. This is because Baker’s (2013) research findings on policing in Ethiopia raised the point that despite state policing being traditionally opposed to sharing policing responsibilities with non-state actors, the state, which held asymmetrical power, makes decisions to partner with non-state policing actors for economic and political reasons. The findings from Chapter five concur with Baker (2013) to the extent that the state has asymmetrical power, in the sense that it had authority over allocation of state resources, however, it is important to point out that having authority over distribution of resources does not equate to driving the process of hybridisation.

Chapter six builds on the observation of scholars such as Canclini (2005) and Albrecht (2018b) who highlighted that hybridisation is a historical process. This chapter explored the historical relationship between the state and the South African construction industry. The finding in Chapter six revealed that the relationship between the state and the construction industry is not captured by the governance at a distance literature postulated by scholars such as Rose and Miller (1992) and Garland (1996), who suggest that the state extends its power by delegating its responsibilities. The governance at a distance literature is based on the dichotomy between the state ‘steering’ policy and the construction industry ‘rowing’ to implement state policies. Indeed, the relationship between the construction industry and the state is characterised by both actors steering and rowing, making it difficult to determine the primary driver of hybridity, although it is possible to identify empirically the primary driver at different stages in the hybridisation process. The contribution to hybridity made by this finding is to challenge

Baker's (2013) suggestion that the state is the primary driver of hybridity, by arguing that the primary driver at different stages in the hybridisation process is an empirical question.

Addressing the criticism that the concept of hybridity is overly broad and lacking in analytical rigour, Albrecht (2018a:575) suggested a conceptualisation of the process of hybridisation being marked by tension between "positive accommodation and separation". Similarly, for Baker (2013:298) hybridity consists of bringing contradictory actors together. Building on the work of Albrecht (2018a & 2018b) and (Baker 2013) Chapter six focused on the contradictory elements that shaped the relationship between the state and the construction industry. The post-apartheid government had a policy objective to transform the construction industry to address inequalities created by the past colonial and apartheid governments and the BEE policies were a vehicle to achieve this policy objective. The findings reveal that while the state and the construction firms have arguably different and contradictory objectives (the former seeking to implement redistributive policies and the latter seeking maximum profit) the practices of corruption in the implementation of BEE policies reveal that these contradictory objectives are superficial. The owners of BEE construction firms are politically connected individuals, sought after by the top construction firms to form business alliances to ensure obtaining lucrative public contracts. This finding goes further than the current observations in hybridity literature suggesting that contradictory and similar interests undergo continuous negotiations during hybridisation. The finding suggests that practices of corruption to secure the financial interests of former politicians/spouses of senior state officials who own BEE businesses and the top construction firms dominated in a way that overshadowed the contradictions between the state and the construction industry.

8.4 Boundary-making during the process of hybridisation

Chapter seven discussed the research question: *What are the state and construction firms' responses to boundary-making during hybridisation?* Boundary-making in Chapter seven was evident through two ways; first, the exercise of corruption by state officials and SMMEs in the construction industry via payment of bribes to state officials to ensure timely payments to SMMEs and secondly, through the state enactment of legislation criminalising collusive tendering. Drawing from the work of Olivier de Sardan's (1999) on the nature of corruption in

Africa, the findings in Chapter seven reveal that the relationship between the state (public officials) is based on the logics of negotiation and the logics of predatory authority. Chapter seven built on Chapter six to reveal another facet of the impact of corruption on the process of hybridisation. The research findings do not dispute that corruption blurs the boundaries between state/SMMs in the construction industry, as suggested in Chapter six. The findings show that boundary-making is an important element in enabling the corruption to occur. This is because the authority vested in the state officials make it possible for them to ensure timely payments due to the SMMs. This finding provides a different perspective from Kyed's (2017) assertion that boundary-making during hybridisation is challenged by hybrid acts by showing that in the context where actors undergoing hybridisation attain mutual benefit from the exercise of boundary-making, it is not challenged.

Findings from Chapter seven concurred with scholars such as Pieterse (2001) and Kyed (2017) who highlighted that boundaries are not constant but undergo continuous negotiations. Chapter seven highlighted that, after collusive tendering by the top construction firms to construct the 2010 FIFA World Cup stadiums went public, the government amended the Competition Act to impose criminal liability on directors and individuals in management whose firms are found guilty of collusive tendering. The amendment to the legislation by the government was a boundary-making exercise to gain legitimacy by separating itself from politically connected corporates violating the law. The response of the construction industry to the legislative amendment was to create a trust fund with the objective to implement state policies; however, the conditions attached to the trust fund challenged the boundary-making exercise of the state. The fact that the state did not question the conditions of the trust fund can be attributed to the importance it attached to protecting its partnership with the construction industry; this strengthens my argument that boundary-making in hybridisation is not always challenged.

Chapter seven also discussed that the process of hybridisation does not necessarily result in the creation of a new hybrid governance structure, as suggested by scholars such as Colona and Jaffe (2016) and Young (1995:21). The findings from Chapters five, six and seven confirm and build upon Albrecht's (2018a:574) argument that different sources of authority constituting hybridisation are interconnected but "do not merge into an even or stable (permanent) hybrid order". The findings have shown that hybrid governance structures that are formed to achieve

an objective (attaining financial gain) through corrupt practices are temporal and disband once the objective of their formation has been met.

8.5 Suggestions for further research

The theme in Chapters five, six and seven is that the workings of hybridisation are context specific and empirically determined. Therefore in Chapter five, I argued that it is difficult to prescribe how resources are allocated because in the case study the state was a dominate actor (regarding control of resources) and was able to determine how resources were allocated in a way that furthered its primary objective to host a successful FIFA World Cup. Post-conflict and peacebuilding literature tend to examine how international actors with state-centric policy objectives seek to distribute resources to build strong state institutions, such as the police, and fail to acknowledge the complex national dynamics between state and non-state policing actors. It would be useful for future researchers to explore factors that determine why the dominate national/local actor(s) (who is not an international actor) with control over resources is not able to allocate resources in a way that furthers its main objective. Findings from Chapter six revealed that the corrupt practices in the implementation of BEE policies undermined contradictions between the state and the construction industry; further research could examine other practices that result in overshadowing contradictory elements in a hybrid governance structure. It would also be useful to explore a case study in which the corruption objective failed to overshadow contradictions within hybrid governance structures to determine what factors attributed to this failure: for example, is it the size of the project? Further research in the relationship between boundary-making practices and boundary-crossing practices during hybridisation is needed. Chapter seven has shown that boundary-making is not challenged when it results in the attainment of similar objectives of the actors in the hybrid structure. The question is what are the other contexts in which boundary-making during hybridisation is not challenged?

8.6 Concluding remarks

This research examined hybridity literature to identify the gaps in and criticism of the concept of hybridity, which was addressed by examining the enactment of authority by the state and the

construction industry. Conceptualising the relationships within the case study as processes allowed me to capture the complexities inherent in hybrid structures. An examination of the different strategies and practices used by the state to enact its authority in the case study revealed that the distribution of resources was determined by the state objective of exercising soft power by hosting a successful 2010 FIFA World Cup event. The findings reveal that the blurring between the state and the construction industry is cemented by corruption in a way that undermines the contradictions within the process of hybridisation. The blurring between the construction industry occurs simultaneously with boundary-making practices by both parties during the process of hybridisation. However, the findings suggest that boundary-making practices during hybridisation is challenged or left unchallenged under different contexts, which are empirically determined.

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APPENDIX A:

INTERVIEW PARTICIPANTS

White-Collar Crime Expert Senior Consultant at ISECA, Cape Town, 8 August 2016

Organised Crime Expert, Cape Town, August 2016 Director of Civil Society, Cape Town, 16 August 2016

Researcher at Centre for Competition, Regulation and Economic Development (CCRED) at the University of Johannesburg, Johannesburg, 16 September 2016

Senior financial reporter at Sowetan, Johannesburg, 12 September 2016

Senior Official, Infrastructure Advisory Services at National Treasury, Pretoria, 30 May 2017.

Senior Accountant at Mining company, Johannesburg, 01 June 2017

CEO of a Development Consultancy firm working with SME's in construction industry, Johannesburg, 31 May 2017

Chairman of National Black Contractors and Traders, Pretoria, 8 June 2017

Former Deputy National Commissioner in South African Police Service, Johannesburg, 8 June 2017

Mechanical Engineer, Pretoria, 9 June 2017

Researcher, Johannesburg, 9 June 2017

Senior Business/Markets reporter at SABC, Johannesburg, 11 June 2017

Editor at Bloomberg LP, Johannesburg, 14 June 2017

Coordinator at National Union, Johannesburg, 20 June 2017

Senior Official at National Union, Johannesburg, 20 June 2017

Senior Official, Young Communist League (YCL) of South Africa, Johannesburg, 20 June 2017

Architecture CEO of SMME, Johannesburg, 20 June 2017

Professor and Activist, Pretoria, 26 June 2017b

Professor, Pretoria, 26 June 2017a

Editor, Business Day, Johannesburg, 29 June 2017

Senior Associate, Commercial law firm, Johannesburg, 30 June 2017

Competition Lawyer, Commercial law firm, Johannesburg, 30 June 2017

Senior Researcher, Pretoria, 3 August 2017

Senior Investigator Competition Commission, Pretoria, 31 July 2017